

PER DIEM AND TRAVEL EXPENSE**MODIFICATIONS**

2010 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill modifies per diem and travel expense language used for boards, commissions, councils, and committees.

Highlighted Provisions:

This bill:

- ▶ replaces language used to describe per diem and travel expense for members of boards, commissions, councils, and committees with standardized language referencing primary provisions for per diem and travel expenses; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

- 4-2-7**, as last amended by Laws of Utah 2005, Chapter 175
- 4-2-8**, as last amended by Laws of Utah 1993, Chapter 212
- 4-14-10**, as last amended by Laws of Utah 1997, Chapter 82
- 4-17-3.5**, as last amended by Laws of Utah 1997, Chapter 82
- 4-18-4**, as last amended by Laws of Utah 2008, Chapter 156
- 4-20-1.5**, as last amended by Laws of Utah 2008, Chapters 360 and 382
- 4-22-3**, as last amended by Laws of Utah 1996, Chapter 243
- 4-23-4**, as last amended by Laws of Utah 1996, Chapter 243
- 4-24-4**, as last amended by Laws of Utah 1996, Chapter 243
- 4-30-2**, as last amended by Laws of Utah 1999, Chapter 298

32 **4-35-3**, as last amended by Laws of Utah 1996, Chapter 243
33 **4-37-503**, as last amended by Laws of Utah 2008, Chapter 69
34 **4-37-602**, as last amended by Laws of Utah 2008, Chapter 382
35 **4-38-3**, as last amended by Laws of Utah 1997, Chapter 82
36 **4-39-104**, as enacted by Laws of Utah 1997, Chapter 302
37 **7-1-203**, as last amended by Laws of Utah 2006, Chapter 14
38 **7-3-40**, as enacted by Laws of Utah 2000, Chapter 260
39 **7-9-43**, as last amended by Laws of Utah 1996, Chapter 243
40 **9-1-803**, as last amended by Laws of Utah 2009, Chapter 59
41 **9-3-403**, as last amended by Laws of Utah 2009, Chapter 356
42 **9-4-304**, as last amended by Laws of Utah 2005, Chapters 130 and 148
43 **9-4-503**, as last amended by Laws of Utah 2005, Chapter 170
44 **9-4-703**, as last amended by Laws of Utah 2006, Chapter 14
45 **9-4-801**, as last amended by Laws of Utah 2005, Chapter 148
46 **9-4-904**, as last amended by Laws of Utah 2006, Chapter 23
47 **9-6-204**, as last amended by Laws of Utah 2002, Chapter 176
48 **9-6-305**, as last amended by Laws of Utah 1996, Chapter 243
49 **9-6-604**, as renumbered and amended by Laws of Utah 2006, Chapter 24
50 **9-6-704**, as enacted by Laws of Utah 2006, Chapter 229
51 **9-7-204**, as last amended by Laws of Utah 1996, Chapters 194 and 243
52 **9-8-204**, as last amended by Laws of Utah 2002, Chapter 176
53 **9-9-104.5**, as last amended by Laws of Utah 2006, Chapters 14 and 118
54 **9-9-104.6**, as last amended by Laws of Utah 2006, Chapter 118
55 **9-9-405**, as last amended by Laws of Utah 2008, Chapter 114
56 **9-10-103**, as last amended by Laws of Utah 1996, Chapter 243
57 **9-11-105**, as last amended by Laws of Utah 2008, Chapters 202 and 382
58 **10-6-153**, as last amended by Laws of Utah 2003, Chapter 292
59 **11-38-201**, as last amended by Laws of Utah 2005, Chapter 138
60 **13-14-103**, as last amended by Laws of Utah 2008, Chapter 362
61 **13-35-103**, as last amended by Laws of Utah 2005, Chapter 268
62 **13-43-202**, as enacted by Laws of Utah 2006, Chapter 258

63 **17-36-5**, as last amended by Laws of Utah 1996, Chapters 212 and 243
64 **17B-1-307**, as renumbered and amended by Laws of Utah 2007, Chapter 329
65 **19-2-103**, as last amended by Laws of Utah 2009, Chapter 356
66 **19-2-109.2**, as last amended by Laws of Utah 1996, Chapter 243
67 **19-3-103**, as last amended by Laws of Utah 2002, Chapters 176 and 297
68 **19-4-103**, as last amended by Laws of Utah 2008, Chapter 250
69 **19-5-103**, as last amended by Laws of Utah 2008, Chapters 250 and 336
70 **19-6-103**, as last amended by Laws of Utah 2002, Chapter 176
71 **19-9-104**, as last amended by Laws of Utah 2005, Chapter 148
72 **20A-5-402.7**, as enacted by Laws of Utah 2005, First Special Session, Chapter 5
73 **23-14-2**, as last amended by Laws of Utah 2009, Chapter 344
74 **23-14-2.6**, as last amended by Laws of Utah 1997, Chapter 276
75 **26-1-7.5**, as last amended by Laws of Utah 2009, Chapter 75
76 **26-8a-103**, as last amended by Laws of Utah 2001, Chapter 228
77 **26-9f-103**, as last amended by Laws of Utah 2009, Chapter 75
78 **26-10-6**, as last amended by Laws of Utah 1998, Chapter 162
79 **26-18-102**, as last amended by Laws of Utah 1996, Chapter 243
80 **26-18a-2**, as last amended by Laws of Utah 2009, Chapter 75
81 **26-21-4**, as repealed and reenacted by Laws of Utah 1996, Chapter 243
82 **26-33a-103**, as last amended by Laws of Utah 2006, Chapter 14
83 **26-40-104**, as last amended by Laws of Utah 2001, Chapters 53 and 116
84 **26-46-103**, as last amended by Laws of Utah 2009, Chapter 97
85 **26-50-202**, as last amended by Laws of Utah 2009, Chapter 75
86 **31A-2-403**, as last amended by Laws of Utah 2008, Chapter 345
87 **31A-29-104**, as last amended by Laws of Utah 2007, Chapter 40
88 **31A-35-201**, as last amended by Laws of Utah 2007, Chapter 307
89 **32A-1-106**, as last amended by Laws of Utah 2007, Chapter 284
90 **34-20-3**, as last amended by Laws of Utah 2002, Chapter 176
91 **34A-2-107**, as last amended by Laws of Utah 2009, Chapter 85
92 **34A-5-105**, as last amended by Laws of Utah 2003, Chapter 65

93 **34A-6-106**, as last amended by Laws of Utah 2002, Chapter 104
94 **35A-1-205**, as last amended by Laws of Utah 2006, Chapter 139
95 **35A-1-206**, as last amended by Laws of Utah 2005, Chapter 148
96 **35A-2-103**, as last amended by Laws of Utah 2002, Chapter 58
97 **35A-3-205**, as last amended by Laws of Utah 2005, Chapters 81 and 148
98 **35A-4-502**, as last amended by Laws of Utah 2008, Chapter 382
99 **36-2-4**, as last amended by Laws of Utah 2003, Chapter 16
100 **36-23-104**, as last amended by Laws of Utah 2008, Chapter 218
101 **36-26-102**, as last amended by Laws of Utah 2007, Chapter 306
102 **39-2-1**, as last amended by Laws of Utah 1997, Chapter 10
103 **40-2-203**, as enacted by Laws of Utah 2008, Chapter 113
104 **40-2-204**, as renumbered and amended by Laws of Utah 2008, Chapter 113
105 **40-6-4**, as last amended by Laws of Utah 2009, Chapter 344
106 **41-3-106**, as last amended by Laws of Utah 1996, Chapter 243
107 **49-11-202**, as last amended by Laws of Utah 2003, Chapter 240
108 **51-7-16**, as last amended by Laws of Utah 2002, Chapter 176
109 **51-7a-301**, as enacted by Laws of Utah 2006, Chapter 277
110 **53-2-108**, as last amended by Laws of Utah 2007, Chapter 66
111 **53-3-303**, as last amended by Laws of Utah 2001, Chapter 85
112 **53-3-908**, as last amended by Laws of Utah 1996, Chapter 243
113 **53-5-703**, as last amended by Laws of Utah 1997, Chapters 10 and 280
114 **53-6-106**, as last amended by Laws of Utah 2003, Chapter 292
115 **53-7-203**, as last amended by Laws of Utah 2001, Chapter 25
116 **53-7-304**, as last amended by Laws of Utah 2001, Chapter 25
117 **53-8-203**, as last amended by Laws of Utah 2008, Chapter 251
118 **53-9-104**, as last amended by Laws of Utah 1998, Chapter 212
119 **53-11-104**, as enacted by Laws of Utah 1998, Chapter 257
120 **53A-1-202**, as last amended by Laws of Utah 1997, Chapter 314
121 **53A-1a-501.5**, as enacted by Laws of Utah 2004, Chapter 251
122 **53A-1a-602**, as last amended by Laws of Utah 2008, Chapter 382
123 **53A-6-802**, as enacted by Laws of Utah 2008, Chapter 144

124 **53A-20b-103**, as enacted by Laws of Utah 2007, Chapter 167
125 **53A-25b-203**, as enacted by Laws of Utah 2009, Chapter 294
126 **53B-1-104**, as last amended by Laws of Utah 2009, Chapter 346
127 **53B-2-104**, as last amended by Laws of Utah 2007, Chapter 356
128 **53B-2a-103**, as last amended by Laws of Utah 2009, Chapter 346
129 **53B-2a-109**, as last amended by Laws of Utah 2009, Chapter 346
130 **53B-6-105.5**, as last amended by Laws of Utah 2009, Chapter 210
131 **53B-17-102**, as last amended by Laws of Utah 2006, Chapter 150
132 **53B-17-803**, as enacted by Laws of Utah 2007, Chapter 232
133 **53C-1-203**, as last amended by Laws of Utah 2000, Chapter 237
134 **54-8a-13**, as enacted by Laws of Utah 2008, Chapter 344
135 **54-10a-202**, as renumbered and amended by Laws of Utah 2009, Chapter 237
136 **54-14-301**, as last amended by Laws of Utah 2007, Chapter 242
137 **58-1-201**, as last amended by Laws of Utah 1997, Chapter 10
138 **58-1-402**, as last amended by Laws of Utah 2008, Chapter 382
139 **58-54-3**, as last amended by Laws of Utah 1996, Chapters 232 and 243
140 **58-55-103**, as last amended by Laws of Utah 2009, Chapter 183
141 **58-56-5**, as last amended by Laws of Utah 2009, Chapter 339
142 **59-1-905**, as last amended by Laws of Utah 1996, Chapter 243
143 **61-1-18.5**, as last amended by Laws of Utah 2009, Chapter 351
144 **61-2-5.5**, as last amended by Laws of Utah 2008, Chapter 387
145 **61-2b-7**, as last amended by Laws of Utah 2007, Chapter 325
146 **61-2c-104 (Effective 01/01/10)**, as last amended by Laws of Utah 2009, Chapters 352
147 and 372
148 **62A-1-107**, as last amended by Laws of Utah 2009, Chapter 75
149 **62A-3-107**, as last amended by Laws of Utah 2009, Chapter 75
150 **62A-4a-311**, as last amended by Laws of Utah 2009, Chapter 75
151 **62A-5a-103**, as last amended by Laws of Utah 2002, Fifth Special Session, Chapter 8
152 **62A-7-501**, as renumbered and amended by Laws of Utah 2005, Chapter 13
153 **62A-15-605**, as last amended by Laws of Utah 2003, Chapter 171

154 **63A-3-403**, as last amended by Laws of Utah 2009, Chapter 310
155 **63A-5-101**, as last amended by Laws of Utah 2003, Chapter 16
156 **63A-9-301**, as last amended by Laws of Utah 2003, Chapter 5
157 **63B-1-201**, as last amended by Laws of Utah 1996, Chapter 243
158 **63B-1-304**, as renumbered and amended by Laws of Utah 2003, Chapter 86
159 **63C-4-101**, as last amended by Laws of Utah 2009, Chapter 121
160 **63C-6-103**, as last amended by Laws of Utah 1996, Chapter 243
161 **63C-8-103**, as enacted by Laws of Utah 1997, Chapter 202
162 **63C-9-202**, as last amended by Laws of Utah 2006, Chapter 256
163 **63C-9-702**, as last amended by Laws of Utah 2003, Chapter 66
164 **63C-10-102**, as last amended by Laws of Utah 2008, Chapter 33
165 **63C-11-201**, as repealed and reenacted by Laws of Utah 2009, Chapter 369
166 **63F-1-202**, as enacted by Laws of Utah 2005, Chapter 169
167 **63G-2-501**, as renumbered and amended by Laws of Utah 2008, Chapter 382
168 **63G-2-502**, as renumbered and amended by Laws of Utah 2008, Chapter 382
169 **63G-6-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382
170 **63G-6-807**, as renumbered and amended by Laws of Utah 2008, Chapter 382
171 **63H-2-202**, as enacted by Laws of Utah 2009, Chapter 378
172 **63I-4-201**, as renumbered and amended by Laws of Utah 2008, Chapter 147
173 **63J-4-502**, as last amended by Laws of Utah 2009, Chapter 344
174 **63K-3-201**, as last amended by Laws of Utah 2009, Chapter 65
175 **63K-3-301**, as renumbered and amended by Laws of Utah 2008, Chapter 382
176 **63M-1-302**, as renumbered and amended by Laws of Utah 2008, Chapter 382
177 **63M-1-604**, as renumbered and amended by Laws of Utah 2008, Chapter 382
178 **63M-1-1205**, as last amended by Laws of Utah 2008, Chapter 18 and renumbered and
179 amended by Laws of Utah 2008, Chapter 382
180 **63M-1-1402**, as renumbered and amended by Laws of Utah 2008, Chapter 382
181 **63M-1-1503**, as renumbered and amended by Laws of Utah 2008, Chapter 382
182 **63M-1-2611**, as enacted by Laws of Utah 2008, Chapter 352
183 **63M-1-2706**, as enacted by Laws of Utah 2008, Chapter 50
184 **63M-2-301**, as last amended by Laws of Utah 2009, Chapter 242

185 **63M-2-303**, as renumbered and amended by Laws of Utah 2008, Chapter 382
186 **63M-7-302**, as renumbered and amended by Laws of Utah 2008, Chapter 382
187 **63M-7-304**, as last amended by Laws of Utah 2008, Chapter 31 and renumbered and
188 amended by Laws of Utah 2008, Chapter 382
189 **63M-7-405**, as renumbered and amended by Laws of Utah 2008, Chapter 382
190 **63M-7-504**, as last amended by Laws of Utah 2008, Chapter 339 and renumbered and
191 amended by Laws of Utah 2008, Chapter 382
192 **63M-8-202**, as renumbered and amended by Laws of Utah 2008, Chapter 382
193 **63M-9-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382
194 **63M-9-202**, as renumbered and amended by Laws of Utah 2008, Chapter 382
195 **65A-1-3**, as last amended by Laws of Utah 2009, Chapter 344
196 **65A-8-306**, as renumbered and amended by Laws of Utah 2007, Chapter 136
197 **67-1-8.1**, as last amended by Laws of Utah 1996, Chapter 243
198 **67-1a-10**, as enacted by Laws of Utah 2006, Chapter 142
199 **67-5a-8**, as last amended by Laws of Utah 2008, Chapter 382
200 **67-8-4**, as last amended by Laws of Utah 2007, Chapter 34
201 **67-19a-201**, as last amended by Laws of Utah 1996, Chapters 194 and 243
202 **67-19d-202**, as enacted by Laws of Utah 2007, Chapter 99
203 **68-4-5**, as last amended by Laws of Utah 2007, Chapter 91
204 **68-4-9**, as last amended by Laws of Utah 2007, Chapter 91
205 **71-7-4**, as last amended by Laws of Utah 2007, Chapter 173
206 **71-8-4**, as last amended by Laws of Utah 2007, Chapter 173
207 **71-11-7**, as last amended by Laws of Utah 2007, Chapter 173
208 **72-1-301**, as last amended by Laws of Utah 2009, Chapter 364
209 **72-4-302**, as last amended by Laws of Utah 2009, Chapter 393
210 **72-6-115**, as last amended by Laws of Utah 2001, Chapter 27
211 **72-9-201**, as renumbered and amended by Laws of Utah 1998, Chapter 270
212 **72-11-204**, as last amended by Laws of Utah 2009, Chapter 344
213 **73-10-2**, as last amended by Laws of Utah 2009, Chapter 344
214 **73-10c-3**, as last amended by Laws of Utah 2005, Chapter 148

215 **73-16-4**, as last amended by Laws of Utah 1983, Chapter 320
 216 **77-27-2**, as last amended by Laws of Utah 2002, Chapter 176
 217 **77-32-401**, as last amended by Laws of Utah 2000, Chapter 1
 218 **77-32-401.5**, as last amended by Laws of Utah 2004, Chapter 90
 219 **78A-2-502**, as renumbered and amended by Laws of Utah 2008, Chapter 3
 220 **78A-6-1208**, as renumbered and amended by Laws of Utah 2008, Chapter 3
 221 **78A-12-202**, as enacted by Laws of Utah 2008, Chapter 248
 222 **78B-3-416**, as renumbered and amended by Laws of Utah 2008, Chapter 3
 223 **79-3-302**, as renumbered and amended by Laws of Utah 2009, Chapter 344
 224 **79-4-302**, as renumbered and amended by Laws of Utah 2009, Chapter 344
 225 **79-5-202**, as renumbered and amended by Laws of Utah 2009, Chapter 344
 226 REPEALS AND REENACTS:
 227 **26-39-202**, as enacted by Laws of Utah 2008, Chapter 111
 228 **63C-12-105**, as enacted by Laws of Utah 2009, Chapter 262
 229 **63I-3-206**, as renumbered and amended by Laws of Utah 2008, Chapter 382
 230 **63M-7-207**, as renumbered and amended by Laws of Utah 2008, Chapter 382
 231 **63M-7-604**, as renumbered and amended by Laws of Utah 2008, Chapter 382
 232 **63M-11-206**, as renumbered and amended by Laws of Utah 2008, Chapter 382
 233 **67-5a-3**, as repealed and reenacted by Laws of Utah 1996, Chapter 243
 234 **78A-10-205**, as enacted by Laws of Utah 2008, Chapter 3
 235 **78A-10-305**, as enacted by Laws of Utah 2008, Chapter 3
 236 **78A-11-104**, as enacted by Laws of Utah 2008, Chapter 3
 237 **78B-12-403**, as enacted by Laws of Utah 2008, Chapter 3

238

239 *Be it enacted by the Legislature of the state of Utah:*

240 Section 1. Section **4-2-7** is amended to read:

241 **4-2-7. Agricultural Advisory Board created -- Composition -- Responsibility --**

242 **Terms of office -- Compensation.**

243 (1) There is created the Agricultural Advisory Board composed of 13 members
 244 representing each of the following:

245 (a) Utah Farm Bureau Federation;

- 246 (b) Utah Farmers Union;
247 (c) Utah Cattlemen's Association;
248 (d) Utah Wool Growers' Association;
249 (e) Utah Dairymen's Association;
250 (f) Utah Pork Producer's Association;
251 (g) Utah Veterinary Medical Association;
252 (h) Livestock Auction Marketing Association;
253 (i) Utah Association of Conservation Districts;
254 (j) the Utah horse industry;
255 (k) the food processing industry;
256 (l) manufacturers of food supplements; and
257 (m) a consumer affairs group.

258 (2) The Agricultural Advisory Board shall advise the commissioner regarding the
259 planning, implementation, and administration of the department's programs.

260 (3) (a) Except as required by Subsection (3)(c), members are appointed by the
261 commissioner to four-year terms of office.

262 (b) Representatives of the organizations cited in Subsections (1)(a) through (1)(h) shall
263 be appointed to the Agricultural Advisory Board by the commissioner from a list of nominees
264 submitted by each organization.

265 (c) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at
266 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
267 board members are staggered so that approximately half of the board is appointed every two
268 years.

269 (d) Members may be removed at the discretion of the commissioner upon the request
270 of the group they represent.

271 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
272 appointed for the unexpired term.

273 (4) The board shall elect one member to serve as chair of the Agricultural Advisory
274 Board for a term of one year.

275 (5) (a) The board shall meet four times annually, but may meet more often at the
276 discretion of the chair.

(b) Attendance of seven members at a duly called meeting constitutes a quorum for the transaction of official business.

~~[(6) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(b) Members may decline to receive per diem and expenses for their service.]~~

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 2. Section **4-2-8** is amended to read:

4-2-8. Temporary advisory committees -- Appointment -- Compensation.

(1) The commissioner may request the governor to appoint other advisory committees on a temporary basis to offer technical advice to the department. ~~[Members of any such]~~

(2) A member of a committee [shall serve] serves at the pleasure of the commissioner ~~[and be compensated at the rates established by the director of the Division of Finance under Sections 63A-3-106 and 63A-3-107].~~

(3) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 3. Section **4-14-10** is amended to read:

4-14-10. Pesticide Committee created -- Composition -- Terms -- Compensation -- Duties.

(1) There is created a Pesticide Committee comprising nine persons appointed by the governor to four-year terms of office, one member from each of the following state agencies and organizations:

(a) Utah State Agricultural Extension Service;

(b) Department of Agriculture and Food;

(c) Department of Health;

(d) Division of Wildlife Resources;

(e) Department of Environmental Quality;

(f) Utah Pest Control Association;

(g) agricultural chemical industry;

(h) Utah Farmers Union; and

(i) Utah Farm Bureau Federation.

(2) Notwithstanding the requirements of Subsection (1), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

(3) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(4) The committee shall elect one of its members to serve as chair. The chair is responsible for the call and conduct of meetings of the Pesticide Committee.

(5) Attendance of a simple majority of the members constitutes a quorum for the transaction of official business.

~~[(6)(a)(i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

~~[(b)(i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

~~[(c)(i) Higher education members who do not receive salary, per diem, or expenses~~

339 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
340 ~~in the performance of their official duties from the committee at the rates established by the~~
341 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

342 ~~[(ii) Higher education members may decline to receive per diem and expenses for their~~
343 ~~service.]~~

344 (6) A member may not receive compensation or benefits for the member's service, but
345 may receive per diem and travel expenses in accordance with:

346 (a) Section 63A-3-106;

347 (b) Section 63A-3-107; and

348 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
349 63A-3-107.

350 (7) The Pesticide Committee shall make recommendations to the commissioner
351 regarding making rules pertaining to the sale, distribution, use, and disposal of pesticides.

352 Section 4. Section **4-17-3.5** is amended to read:

353 **4-17-3.5. Creation of State Weed Committee -- Membership -- Powers and duties**
354 **-- Expenses.**

355 (1) There is created a State Weed Committee composed of five members, one member
356 representing each of the following:

357 (a) the Department of Agriculture and Food;

358 (b) the Utah State University Agricultural Experiment Station;

359 (c) the Utah State University Extension Service;

360 (d) the Utah Association of Counties; and

361 (e) private agricultural industry.

362 (2) The commissioner shall select the members of the committee from those nominated
363 by each of the respective groups or agencies following approval by the Agricultural Advisory
364 Board.

365 (3) (a) Except as required by Subsection (3)(b), as terms of current committee members
366 expire, the commissioner shall appoint each new member or reappointed member to a four-year
367 term.

368 (b) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at
369 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of

committee members are staggered so that approximately half of the committee is appointed every two years.

(4) (a) Members may be removed by the commissioner for cause.

(b) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(5) The State Weed Committee shall:

(a) confer and advise on matters pertaining to the planning, implementation, and administration of the state noxious weed program;

(b) recommend names for membership on the committee; and

(c) serve as members of the executive committee of the Utah Weed Control Association.

~~[(6) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

~~[(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

~~[(c) (i) Higher education members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Higher education members may decline to receive per diem and expenses for their service.]~~

~~[(d) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance~~

~~under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Local government members may decline to receive per diem and expenses for their service.]~~

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 5. Section **4-18-4** is amended to read:

4-18-4. Conservation Commission created -- Composition -- Appointment -- Terms -- Compensation -- Attorney general to provide legal assistance.

(1) There is created within the department the Conservation Commission to perform the functions specified in this chapter.

(2) The Conservation Commission shall be comprised of 16 members, including:

(a) the director of the Extension Service at Utah State University or the director's designee;

(b) the president of the Utah Association of Conservation Districts or the president's designee;

(c) the commissioner or the commissioner's designee;

(d) the executive director of the Department of Natural Resources or the executive director's designee;

(e) the executive director of the Department of Environmental Quality or the executive director's designee;

(f) the chair and the vice chair of the State Grazing Advisory Board created in Section 4-20-1.5;

(g) the president of the County Weed Supervisors Association;

(h) seven district supervisors who provide district representation on the commission on a multicounty basis; and

(i) the director of the School and Institutional Trust Lands Administration or the director's designee.

(3) If a district supervisor is unable to attend a meeting, an alternate may serve in the place of the district supervisor for that meeting.

(4) The members of the commission specified in Subsection (2)(h) shall:

(a) be recommended by the commission to the governor; and

(b) be appointed by the governor with the consent of the Senate.

(5) (a) Except as required by Subsection (5)(b), as terms of current commission members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission is appointed every two years.

(6) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(7) The commissioner is chair of the commission.

(8) Attendance of a majority of the commission members at a meeting constitutes a quorum.

~~[(9)(a)(i) A member who is not a government employee may not receive compensation or benefits for the member's service, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) A member may decline to receive per diem and expenses for the member's service.]~~

~~[(b)(i) A state government officer and employee member who does not receive salary, per diem, or expenses from the agency the member represents for the member's service may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) A state government officer and employee member may decline to receive per diem and expenses for the member's service.]~~

~~[(c)(i) A higher education member who does not receive salary, per diem, or expenses from the entity that the member represents for the member's service may receive per diem and~~

~~expenses incurred in the performance of the member's official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) A higher education member may decline to receive per diem and expenses for the member's service.]~~

~~[(d) (i) A local government member who does not receive salary, per diem, or expenses from the entity that the member represents for the member's service may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) A local government member may decline to receive per diem and expenses for the member's service.]~~

(9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(10) The commission shall keep a record of its actions.

(11) The attorney general shall provide legal services to the commission upon request.

Section 6. Section **4-20-1.5** is amended to read:

4-20-1.5. State Grazing Advisory Board -- Duties.

(1) (a) There is created within the department the State Grazing Advisory Board.

(b) The commissioner shall appoint the following members:

(i) one member from each regional board;

(ii) one member from the Conservation Commission created in Section 4-18-4;

(iii) one representative of the Department of Natural Resources;

(iv) two livestock producers at-large; and

(v) one representative of the oil, gas, or mining industry.

(2) The term of office for a state board member is four years.

(3) Members of the state board shall elect a chair, who shall serve for two years.

~~[(4) (a) (i) A member who is not a government employee may not receive compensation or benefits for the member's service, but may receive per diem and expenses~~

incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]

~~[(ii) A member may decline to receive per diem and expenses for the member's service.]~~

~~[(b)(i) A state government officer and employee member who does not receive salary, per diem, or expenses from the agency the member represents for the member's service may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) A state government officer and employee member may decline to receive per diem and expenses for the member's service.]~~

~~[(c)(i) A local government member who does not receive salary, per diem, or expenses from the entity that the member represents for the member's service may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) A local government member may decline to receive per diem and expenses for the member's service.]~~

(4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(5) The state board shall:

(a) receive:

(i) advice and recommendations from a regional board concerning:

(A) management plans for public lands, state lands, and school and institutional trust lands as defined in Section 53C-1-103, within the regional board's region; and

(B) any issue that impacts grazing on private lands, public lands, state lands, or school and institutional trust lands as defined in Section 53C-1-103, in its region; and

(ii) requests for fund monies from the entities described in Subsections (5)(c)(i) through (iv);

(b) recommend state policy positions and cooperative agency participation in federal and state land management plans to the department and to the Public Lands Policy Coordinating Office created under Section 63J-4-602; and

(c) advise the department on the requests and recommendations of:

(i) regional boards;

(ii) county weed control boards created under Section 4-17-4;

(iii) cooperative weed management associations; and

(iv) conservation districts created under the authority of Title 17D, Chapter 3, Conservation District Act.

Section 7. Section 4-22-3 is amended to read:

4-22-3. Commission -- Organization -- Quorum to transact business -- Vacancies -- Ineligibility to serve -- Compensation.

(1) The members of the commission shall elect a chair, vice chair, and secretary from among their number.

(2) Attendance of a simple majority of the commission members at a called meeting shall constitute a quorum for the transaction of official business.

(3) The commission shall meet:

(a) at the time and place designated by the chair; and

(b) no less often than once every three months.

(4) Vacancies which occur on the commission for any reason shall be filled for the unexpired term of the vacated member by appointment of a majority of the remaining members.

(5) If a member moves from the district that he represents or ceases to act as a producer during his term of office, he must resign from the commission within 30 days after moving from the district or ceasing production.

~~[(6)(a)(i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

~~[(b)(i) State government officer and employee members who do not receive salary, per~~

diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the commission at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]

~~[(ii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

~~[(c) (i) Higher education members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Higher education members may decline to receive per diem and expenses for their service.]~~

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 8. Section ~~4-23-4~~ is amended to read:

**4-23-4. Agricultural and Wildlife Damage Prevention Board created --
Composition -- Appointment -- Terms -- Vacancies -- Compensation.**

(1) There is created an Agricultural and Wildlife Damage Prevention Board composed of the commissioner and the director of the Division of Wildlife Resources, who shall serve, respectively, as the board's chair and vice chair, together with seven other members appointed by the governor to four-year terms of office as follows:

(a) one sheep producer representing wool growers of the state;

(b) one cattle producer representing range cattle producers of the state;

(c) one person from the United States Department of Agriculture;

(d) one agricultural landowner representing agricultural landowners of the state;

(e) one person representing wildlife interests in the state;

(f) one person from the United States Forest Service; and

(g) one person from the United States Bureau of Land Management.

(2) Appointees' term of office shall commence June 1.

(3) (a) Except as required by Subsection (3)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(5) Attendance of five members at a duly called meeting shall constitute a quorum for the transaction of official business. The board shall convene at the times and places prescribed by the chair or vice chair.

~~[(6) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

~~[(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 9. Section ~~4-24-4~~ is amended to read:

**4-24-4. Livestock Brand Board created -- Composition -- Terms -- Removal --
Quorum for transaction of business -- Compensation -- Duties.**

(1) There is created the Livestock Brand Board consisting of seven members appointed by the governor as follows:

(a) four cattle ranchers recommended by the Utah Cattlemen's Association, one of whom shall be a feeder operator;

(b) one dairyman recommended by the Utah Dairymen's Association;

(c) one livestock market operator recommended jointly by the Utah Cattlemen's Association and the Utah Dairymen's Association and the Livestock Market Association; and

(d) one horse breeder recommended by the Utah Horse Council.

(2) If a nominee is rejected by the governor, the recommending association shall submit another nominee.

(3) (a) Except as required by Subsection (3)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(4) (a) A member may, at the discretion of the governor, be removed at the request of the association that recommended the appointment.

(b) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(5) One member elected by the board shall serve as chair for a term of one year and be responsible for the call and conduct of meetings of the Livestock Brand Board. Attendance of a simple majority of the members at a duly called meeting shall constitute a quorum for the transaction of official business.

~~[(6) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(b) Members may decline to receive per diem and expenses for their service.]~~

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(7) The Livestock Brand Board with the cooperation of the department shall direct the procedures and policies to be followed in administering and enforcing this chapter.

Section 10. Section **4-30-2** is amended to read:

4-30-2. Livestock Market Committee created -- Composition -- Terms -- Removal -- Compensation -- Duties.

(1) There is created a Livestock Market Committee which consists of the following seven members appointed to a four-year term of office by the commissioner:

(a) one member recommended by the livestock market operators in the state;

(b) one member recommended by the Utah Cattlemen's Association;

(c) one member recommended by the Utah Dairymen's Association;

(d) one member recommended by the Utah Woolgrowers' Association;

(e) one member recommended by the horse industry;

(f) one member recommended by the Utah Farm Bureau Federation; and

(g) one member recommended by the Utah Farmers Union.

(2) Notwithstanding the requirements of Subsection (1), the commissioner shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

(3) No more than four members shall be members of the same political party.

(4) (a) The commissioner may remove a member of the committee at the request of the association or group which recommended the member's appointment.

(b) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(5) The Livestock Market Committee shall elect a chair from its membership, who shall serve for a term of office of two years, but may be reelected for subsequent terms.

(6) (a) The chair is responsible for the call and conduct of meetings.

(b) Four members constitute a quorum for the transaction of official business.

~~[(7) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

~~[(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

(7) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(8) The Livestock Market Committee acts as advisor to the department with respect to the administration and enforcement of this chapter and makes recommendations necessary to carry out the intent of this chapter to the commissioner.

Section 11. Section ~~4-35-3~~ is amended to read:

4-35-3. Decision and Action Committee created -- Members -- How appointed -- Duties of committee -- Per diem and expenses allowed.

(1) (a) There is created the Decision and Action Committee which consists of not fewer than six members.

(b) One member is the commissioner and one member is appointed to represent the department.

(c) The remaining members of the committee are appointed by the commissioner on an ad hoc basis as necessary from persons directly affected by and involved in the current insect

711 infestation emergency.

712 (d) The committee is dissolved when the commissioner declares that the insect
713 infestation emergency is over.

714 (2) The committee shall:

715 (a) establish a system of priorities for any insect infestation emergency; and

716 (b) certify to the commissioner any area which requires the establishment of an insect
717 control district in areas of infestation and in which a simple majority of the landowners and
718 lessees whose total production exceeds 50% of the production in that area has agreed to pay
719 proportionate shares of the costs of controlling the insects infesting the area.

720 ~~[(3)(a)(i) Members who are not government employees shall receive no compensation~~
721 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
722 ~~performance of the member's official duties at the rates established by the Division of Finance~~
723 ~~under Sections 63A-3-106 and 63A-3-107.]~~

724 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

725 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
726 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
727 ~~incurred in the performance of their official duties from the committee at the rates established~~
728 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

729 ~~[(ii) State government officer and employee members may decline to receive per diem~~
730 ~~and expenses for their service.]~~

731 (3) A member may not receive compensation or benefits for the member's service, but
732 may receive per diem and travel expenses in accordance with:

733 (a) Section 63A-3-106;

734 (b) Section 63A-3-107; and

735 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
736 63A-3-107.

737 Section 12. Section ~~4-37-503~~ is amended to read:

738 **4-37-503. Fish Health Policy Board.**

739 (1) There is created within the department the Fish Health Policy Board which shall
740 establish policies designed to prevent the outbreak of, control the spread of, and eradicate
741 pathogens that cause disease in aquatic animals.

(2) The Fish Health Policy Board shall:

(a) in accordance with Subsection (6)(b), determine procedures and requirements for certifying a source of aquatic animals as health approved, including:

(i) the pathogens for which inspection is required to receive health approval;

(ii) the pathogens that may not be present to receive health approval; and

(iii) standards and procedures required for the inspection of aquatic animals;

(b) establish procedures for the timely reporting of the presence of a pathogen and disease threat;

(c) create policies and procedures for, and appoint, an emergency response team to:

(i) investigate a serious disease threat;

(ii) develop and monitor a plan of action; and

(iii) report to:

(A) the commissioner of agriculture and food;

(B) the director of the Division of Wildlife Resources; and

(C) the chair of the Fish Health Policy Board; and

(d) develop a unified statewide aquaculture disease control plan.

(3) The Fish Health Policy Board shall advise the commissioner of agriculture and food and the executive director of the Department of Natural Resources regarding:

(a) educational programs and information systems to educate and inform the public about practices that the public may employ to prevent the spread of disease; and

(b) communication and interaction between the department and the Division of Wildlife Resources regarding fish health policies and procedures.

(4) (a) (i) The governor shall appoint the following seven members to the Fish Health Policy Board:

(A) one member from names submitted by the Department of Natural Resources;

(B) one member from names submitted by the Department of Agriculture and Food;

(C) one member from names submitted by a nonprofit corporation that promotes sport fishing;

(D) one member from names submitted by a nonprofit corporation that promotes the aquaculture industry;

(E) one member from names submitted by the Department of Natural Resources and

773 the Department of Agriculture and Food;

774 (F) one member from names submitted by a nonprofit corporation that promotes sport
775 fishing; and

776 (G) one member from names submitted by a nonprofit corporation that promotes the
777 aquaculture industry.

778 (ii) The members appointed under Subsections (4)(a)(i)(E) through (G) shall be:

779 (A) (I) faculty members of an institution of higher education; or

780 (II) qualified professionals; and

781 (B) have education and knowledge in:

782 (I) fish pathology;

783 (II) business;

784 (III) ecology; or

785 (IV) parasitology.

786 (iii) At least one member appointed under Subsections (4)(a)(i)(E) through (G) shall
787 have education and knowledge about fish pathology.

788 (iv) (A) A nominating person shall submit at least three names to the governor.

789 (B) If the governor rejects all the names submitted for a member, the recommending
790 person shall submit additional names.

791 (b) Except as required by Subsection (4)(c), the term of office of board members shall
792 be four years.

793 (c) Notwithstanding the requirements of Subsection (4)(b), the governor shall, at the
794 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
795 board members are staggered so that approximately half of the board is appointed every two
796 years.

797 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
798 appointed for the unexpired term.

799 (e) The board members shall elect a chair of the board from the board's membership.

800 (f) The board shall meet upon the call of the chair or a majority of the board members.

801 (g) An action of the board shall be adopted upon approval of the majority of voting
802 members.

803 ~~[(5) (a) (i) A member who is not a government employee may not receive~~

compensation or benefits for the member's service, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]

~~[(ii) A member may decline to receive per diem and expenses for the member's service.]~~

~~[(b) (i) A state government officer and employee member who does not receive salary, per diem, or expenses from the agency the member represents for the member's service may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) A state government officer and employee member may decline to receive per diem and expenses for the member's service.]~~

~~[(c) (i) A higher education member who does not receive salary, per diem, or expenses from the entity that the member represents for the member's service may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) A higher education member may decline to receive per diem and expenses for the member's service.]~~

(5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(6) (a) The board shall make rules consistent with its responsibilities and duties specified in this section.

(b) Except as provided by this chapter, all rules adopted by the Fish Health Policy Board must be consistent with the suggested procedures for the detection and identification of pathogens published by the American Fisheries Society's Fish Health Section.

(c) (i) Rules of the department and Fish Health Policy Board pertaining to the control of disease shall remain in effect until the Fish Health Policy Board enacts rules to replace those provisions.

(ii) The Fish Health Policy Board shall promptly amend rules that are inconsistent with the current suggested procedures published by the American Fisheries Society.

(d) The Fish Health Policy Board may waive a requirement established by the Fish Health Policy Board's rules if:

(i) the rule specifies the waiver criteria and procedures; and

(ii) the waiver will not threaten other aquaculture facilities or wild aquatic animal populations.

Section 13. Section **4-37-602** is amended to read:

4-37-602. Adjudicative proceedings -- Presiding officer.

(1) Adjudicative proceedings under this chapter shall be conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

(2) The revocation of an aquaculture facility's certificate of registration, the denial of an aquaculture facility's future certificate of registration, and a denial or cancellation of an aquaculture facility's health approval number is a state agency action governed by Title 63G, Chapter 4, Administrative Procedures Act.

(3) (a) An owner or operator of an aquaculture facility may ask for an agency review, as provided by Section 63G-4-301, of an agency action specified in Subsection (2).

(b) The presiding officer, as defined in Section 63G-4-103, conducting the agency review shall consist of three members as follows:

(i) the person representing sport fishermen, appointed under Subsection 4-37-503(4)(a)(i)(C);

(ii) one person representing the aquaculture industry, appointed by the governor from names submitted by a nonprofit corporation, as defined in Section 16-6a-102, that promotes the efficient production, distribution, and marketing of aquaculture products and the welfare of all persons engaged in aquaculture; and

(iii) one person, appointed by the governor, who is knowledgeable about aquatic diseases and is employed by an institution of higher education.

(c) If the governor rejects all the names submitted under Subsection (3)(b)(ii), the recommending nonprofit corporation shall submit additional names.

(d) The final decision of the presiding officer shall be adopted upon approval of at least two of the members.

(e) The term ~~[and compensation]~~ for the member listed in Subsection (3)(b)(i) shall be the same as provided in Section 4-37-503.

(f) The term for the members appointed under Subsections (3)(b)(ii) and (iii) shall be four years.

~~[(g) (i) (A) A higher education member who does not receive salary, per diem, or expenses from the entity that the member represents for the member's service may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(B) A higher education member may decline to receive per diem and expenses for the member's service.]~~

~~[(ii) (A) A member who is not a government employee may not receive compensation or benefits for the member's service, but may receive per diem and expenses incurred in performance of the member's official duties at rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(B) A member may decline to receive per diem and expenses for the member's service.]~~

(4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 14. Section **4-38-3** is amended to read:

4-38-3. Utah Horse Racing Commission.

(1) (a) There is created within the Department the Utah Horse Racing Commission.

(b) (i) The commission shall consist of five members who shall be U.S. citizens, Utah residents, and qualified voters of Utah.

(ii) Each member shall have an interest in horse racing.

(c) (i) The members of the commission shall be appointed by the governor with the consent of the Senate.

(ii) The governor shall appoint commission members from a list of nominees submitted

897 by the commissioner of agriculture and food.

898 (d) (i) The members of the commission shall be appointed to four-year terms, except
899 that the original members shall be appointed within 30 days after the effective date of this
900 chapter, two of whom shall be appointed for terms expiring December 31, 1992, two for terms
901 expiring December 31, 1994, and one for a term expiring December 31, 1996.

902 (ii) A commission member may not serve more than two consecutive terms.

903 (e) The governor shall make the appointments so that a resident of each of Utah's three
904 congressional districts is a member of the commission at all times.

905 (f) Each member shall hold office until his or her successor is appointed and qualified.

906 (g) Vacancies on the commission shall be filled by appointment by the governor with
907 the consent of the Senate for the unexpired term.

908 (h) Any member may be removed from office by the governor for cause after a public
909 hearing. Notice of the hearing shall fix the time and place of the hearing and shall specify the
910 charges. Copies of the notice of the hearing shall be served on the member by mailing it to the
911 member at his last known address at least ten days before the date fixed for the hearing. The
912 governor may designate a hearing officer to preside over the hearing and report his findings to
913 the governor.

914 (2) (a) The members of the commission shall annually elect a chairperson.

915 (b) Three members of the commission shall constitute a quorum for the transaction of
916 any business of the commission.

917 ~~[(c) Members of the commission shall receive per diem and expenses as established by~~
918 ~~the Division of Finance.]~~

919 (3) A member may not receive compensation or benefits for the member's service, but
920 may receive per diem and travel expenses in accordance with:

921 (a) Section 63A-3-106;

922 (b) Section 63A-3-107; and

923 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
924 63A-3-107.

925 ~~[(3)]~~ (4) All claims and expenditures made under this chapter shall be first audited and
926 passed upon by the commission and when approved shall be paid in the manner provided by
927 law for payment of claims against the state.

928 ~~[(4)]~~ (5) Any member of the commission who has a personal or private interest in any
929 matter proposed or pending before the commission shall publicly disclose this fact to the
930 commission and may not vote on the matter.

931 ~~[(5)]~~ (6) Any member of the commission who owns or who has any interest or whose
932 spouse or member of his immediate family has any interest in a horse participating in a race
933 shall disclose that interest and may not participate in any commission decision involving that
934 race.

935 Section 15. Section ~~4-39-104~~ is amended to read:

936 **4-39-104. Advisory council.**

937 (1) The department shall establish an advisory council to give advice and make
938 recommendations on policies and rules adopted pursuant to this chapter.

939 (2) The advisory council shall consist of eight members appointed by the commissioner
940 of agriculture to four-year terms as follows:

941 (a) two members, recommended by the executive director of the Department of Natural
942 Resources, shall represent the Department of Natural Resources;

943 (b) two members shall represent the Department of Agriculture, one of whom shall be
944 the state veterinarian;

945 (c) two members shall represent the livestock industry, one of whom shall represent the
946 domesticated elk industry; and

947 (d) two members, recommended by the executive director of the Department of Natural
948 Resources from a list of candidates submitted by the Division of Wildlife Resources, shall
949 represent wildlife interests.

950 (3) Notwithstanding the requirements of Subsection (2), the commissioner shall, at the
951 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
952 council members are staggered so that approximately half of the council is appointed every two
953 years.

954 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
955 appointed for the unexpired term.

956 (5) A majority of the advisory council constitutes a quorum. A quorum is necessary for
957 the council to act.

958 ~~[(6)(a)(i) Members who are not government employees shall receive no compensation~~

~~or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

~~[(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the department at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 16. Section **7-1-203** is amended to read:

7-1-203. Board of Financial Institutions.

(1) There is created a Board of Financial Institutions consisting of the commissioner and the following five members, who shall be qualified by training and experience in their respective fields and shall be appointed by the governor with the consent of the Senate:

(a) one representative from the commercial banking business;

(b) one representative from the savings and loan, consumer lending, mortgage brokerage, or escrow agency business;

(c) one representative from the industrial bank business;

(d) one representative from the credit union business; and

(e) one representative of the general public who, as a result of education, training, experience, or interest, is well qualified to consider economic and financial issues and data as they may affect the public interest in the soundness of the financial systems of this state.

(2) The commissioner shall act as chair.

(3) (a) All members of the board shall be residents of this state.

(b) No more than three members of the board may be from the same political party.

(c) No more than two members of the board may be connected with the same financial institution or its holding company.

(d) A member may not participate in any matter involving any institution with which the member has a conflict of interest.

(4) (a) Except as required by Subsection (4)(b), the terms of office shall be four years each expiring on July 1.

(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(c) All members serve until their respective successors are appointed and qualified.

(d) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(5) (a) The board shall meet at least quarterly on a date it sets.

(b) The commissioner or any two members of the board may call additional meetings.

(c) Four members constitute a quorum for the transaction of business.

(d) Actions of the board require a vote of a majority of those present.

(e) Meetings of the board and records of its proceedings are subject to Title 52, Chapter 4, Open and Public Meetings Act, except for discussion of confidential information pertaining to a particular financial institution.

(6) (a) Each member of the board shall, by sworn or written statement filed with the commissioner, disclose any position of employment or ownership interest that the member has with respect to any institution subject to the jurisdiction of the department.

(b) The member shall:

(i) file the statement required by this Subsection (6) when first appointed to the board; and

(ii) subsequently file amendments to the statement if there is any material change in the matters covered by the statement.

~~[(7) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the~~

1021 ~~performance of the member's official duties at the rates established by the Division of Finance~~
1022 ~~under Sections 63A-3-106 and 63A-3-107.]~~

1023 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

1024 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
1025 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
1026 ~~incurred in the performance of their official duties from the board at the rates established by the~~
1027 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107:]~~

1028 ~~[(ii) State government officer and employee members may decline to receive per diem~~
1029 ~~and expenses for their service.]~~

1030 (7) A member may not receive compensation or benefits for the member's service, but
1031 may receive per diem and travel expenses in accordance with:

1032 (a) Section 63A-3-106;

1033 (b) Section 63A-3-107; and

1034 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1035 63A-3-107.

1036 (8) The board shall advise the commissioner with respect to:

1037 (a) the exercise of the commissioner's duties, powers, and responsibilities under this
1038 title; and

1039 (b) the organization and performance of the department and its employees.

1040 (9) The board shall recommend annually to the governor and the Legislature a budget
1041 for the requirements of the department in carrying out its duties, functions, and responsibilities
1042 under this title.

1043 Section 17. Section **7-3-40** is amended to read:

1044 **7-3-40. Board of Bank Advisors.**

1045 (1) There is created a Board of Bank Advisors consisting of five members to be
1046 appointed by the governor as follows:

1047 (a) each member of the board shall be an individual who is familiar with and associated
1048 with banks organized under this chapter; and

1049 (b) at least three of the members of the board shall be individuals who:

1050 (i) have had three or more years experience as a bank executive officer; and

1051 (ii) are selected from a list submitted to the governor by an association in this state

1052 representing commercial banks.

1053 (2) (a) The board shall meet quarterly.

1054 (b) Subject to Subsection (2)(a), meetings of the board shall be held on the call of the
1055 chair.

1056 (3) The members of the board shall elect the chair of the board each year from the
1057 membership of the advisory board by a majority of the members present at the board's first
1058 meeting each year.

1059 (4) (a) Except as required by Subsection (4)(b), as terms of current board members
1060 expire, the governor shall appoint each new member or reappointed member to a four-year
1061 term.

1062 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
1063 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1064 board members are staggered so that approximately half of the board is appointed every two
1065 years.

1066 (5) When a vacancy occurs in the membership of the board for any reason, the
1067 replacement shall be appointed for the unexpired term.

1068 (6) All members shall serve until their successors are appointed and qualified.

1069 ~~[(7)(a) Members shall receive no compensation or benefits for their services, but may~~
1070 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
1071 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

1072 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

1073 (7) A member may not receive compensation or benefits for the member's service, but
1074 may receive per diem and travel expenses in accordance with:

1075 (a) Section 63A-3-106;

1076 (b) Section 63A-3-107; and

1077 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1078 63A-3-107.

1079 (8) A majority of the members of the board shall constitute a quorum.

1080 (9) The board has the duty to advise the governor and commissioner on problems
1081 relating to banks organized under this chapter and to foster the interest and cooperation of
1082 banks in the improvement of their services to the people of the state.

1083 Section 18. Section **7-9-43** is amended to read:

1084 **7-9-43. Board of Credit Union Advisors.**

1085 There is created a Board of Credit Union Advisors of five members to be appointed by
1086 the governor.

1087 (1) Members of the board shall be individuals who are familiar with and associated in
1088 the field of credit unions.

1089 (2) At least three of the members shall be persons who have had three or more years of
1090 experience as a credit union officer and shall be selected from a list submitted to the governor
1091 by the Utah League of Credit Unions.

1092 (3) The board shall meet quarterly.

1093 (4) A chair of the advisory board shall be chosen each year from the membership of the
1094 advisory board by a majority of the members present at the board's first meeting each year.

1095 (5) (a) Except as required by Subsection (b), as terms of current board members expire,
1096 the governor shall appoint each new member or reappointed member to a four-year term.

1097 (b) Notwithstanding the requirements of Subsection (a), the governor shall, at the time
1098 of appointment or reappointment, adjust the length of terms to ensure that the terms of board
1099 members are staggered so that approximately half of the board is appointed every two years.

1100 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
1101 appointed for the unexpired term.

1102 (7) All members shall serve until their successors are appointed and qualified.

1103 ~~[(8)(a) Members shall receive no compensation or benefits for their services, but may~~
1104 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
1105 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

1106 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

1107 (8) A member may not receive compensation or benefits for the member's service, but
1108 may receive per diem and travel expenses in accordance with:

1109 (a) Section 63A-3-106;

1110 (b) Section 63A-3-107; and

1111 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1112 63A-3-107.

1113 (9) Meetings of the advisory board shall be held on the call of the chair. A majority of

1114 the members of the board shall constitute a quorum.

1115 (10) The Board of Credit Union Advisors has the duty to advise the governor and
1116 commissioner on problems relating to credit unions and to foster the interest and cooperation of
1117 credit unions in the improvement of their services to the people of the state of Utah.

1118 Section 19. Section **9-1-803** is amended to read:

1119 **9-1-803. Creation -- Members -- Appointment -- Terms -- Vacancies -- Per diem**
1120 **and expenses.**

1121 (1) There is created the Utah Commission on Volunteers consisting of the following 25
1122 members:

1123 (a) the lieutenant governor;

1124 (b) the commissioner of higher education or the commissioner's designee;

1125 (c) the superintendent of public instruction or the superintendent's designee;

1126 (d) nine members appointed by the governor as follows:

1127 (i) an individual with expertise in the educational, training, and developmental needs of
1128 youth, particularly disadvantaged youth;

1129 (ii) an individual with experience in promoting the involvement of older adults in
1130 service and volunteerism;

1131 (iii) a representative of community-based agencies or community-based organizations
1132 within the state;

1133 (iv) a representative of local governments in the state;

1134 (v) a representative of local labor organizations in the state;

1135 (vi) a representative of business;

1136 (vii) an individual between the ages of 16 and 25 who is a participant or supervisor in a
1137 volunteer or service program;

1138 (viii) a representative of a National Service Program; and

1139 (ix) a representative of the corporation as a nonvoting, ex officio member; and

1140 (e) 13 members appointed by the governor from the following groups:

1141 (i) local educators;

1142 (ii) experts in the delivery of human, educational, cultural, environmental, or public
1143 safety services to communities and individuals;

1144 (iii) representatives of Native American tribes;

1145 (iv) out-of-school youth or other at-risk youth; and
1146 (v) representatives of entities that receive assistance under the Domestic Volunteer
1147 Service Act of 1973, 42 U.S.C. 4950 et seq.

1148 (2) (a) In appointing persons to serve on the commission, the governor shall ensure
1149 that:

1150 (i) no more than 13 members of the commission are members of the same political
1151 party; and

1152 (ii) no more than six members of the commission are state government employees.

1153 (b) In appointing persons to serve on the commission, the governor shall strive for
1154 balance on the commission according to race, ethnicity, age, gender, and disability
1155 characteristics.

1156 (3) (a) Except as required by Subsection (3)(b), as terms of current commission
1157 members expire, the governor shall appoint each new member or reappointed member to a
1158 three-year term.

1159 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
1160 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1161 commission members are staggered so that approximately one-third of the commission is
1162 appointed every year.

1163 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
1164 appointed for the unexpired term.

1165 (5) A member appointed by the governor may not serve more than two consecutive
1166 terms.

1167 ~~[(6) (a) A member may not receive compensation or benefits for the member's service,~~
1168 ~~but may receive per diem and expenses incurred in the performance of the member's official~~
1169 ~~duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~
1170 ~~63A-3-107.]~~

1171 ~~[(b) A member may decline to receive per diem and expenses for the member's service.]~~

1172 (6) A member may not receive compensation or benefits for the member's service, but
1173 may receive per diem and travel expenses in accordance with:

1174 (a) Section 63A-3-106;

1175 (b) Section 63A-3-107; and

1176 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1177 63A-3-107.

1178 (7) (a) The lieutenant governor is the chair of the commission.

1179 (b) The commission shall select a vice chair from among its members.

1180 Section 20. Section **9-3-403** is amended to read:

1181 **9-3-403. Creation -- Members -- Chair -- Powers -- Quorum -- Per diem and**
1182 **expenses.**

1183 (1) There is created an independent state agency and a body politic and corporate
1184 known as the "Utah Science Center Authority."

1185 (2) (a) The authority shall be composed of 13 members.

1186 (b) The governor shall appoint:

1187 (i) three members representing the informal science and arts community that could
1188 include members from the board of directors of the Hansen Planetarium, the Hogle Zoo, the
1189 Children's Museum of Utah, the Utah Museum of Natural History, and other related museums,
1190 centers, and agencies;

1191 (ii) one member of the State Board of Education;

1192 (iii) one member of the Division of Housing and Community Development of the
1193 Department of Community and Culture;

1194 (iv) one member of the Board of Tourism Development;

1195 (v) one member of the State Board of Regents; and

1196 (vi) three public members representing Utah industry, the diverse regions of the state,
1197 and the public at large.

1198 (c) The county legislative body of Salt Lake County shall appoint one member to
1199 represent Salt Lake County.

1200 (d) The mayor of Salt Lake City shall appoint one member to represent Salt Lake City
1201 Corporation.

1202 (e) The State Science Advisor or the advisor's designee is also a member of the
1203 authority.

1204 (f) In appointing the three public members, the governor shall ensure that there is
1205 representation from the science, technology, and business communities.

1206 (3) All members shall be residents of Utah.

1207 (4) Each member shall be appointed for four-year terms beginning July 1 of the year
1208 appointed.

1209 (5) (a) Except as required by Subsection (5)(b), as terms of current authority members
1210 expire, the governor shall appoint each new member or reappointed member to a four-year
1211 term.

1212 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
1213 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1214 authority members are staggered so that approximately half of the authority is appointed every
1215 two years.

1216 (6) A member may be removed from office by the governor or for cause by an
1217 affirmative vote of nine members of the authority.

1218 (7) When a vacancy occurs in the membership for any reason, the replacement shall be
1219 appointed by the governor for the unexpired term.

1220 (8) Each public member shall hold office for the term of his appointment and until the
1221 member's successor has been appointed and qualified.

1222 (9) A public member is eligible for reappointment, but may not serve more than two
1223 full consecutive terms.

1224 (10) The governor shall appoint the chair of the authority from among its members.

1225 (11) The members shall elect from among their number a vice chair and other officers
1226 they may determine.

1227 (12) The chair and vice chair shall be elected for two-year terms.

1228 (13) The powers of the authority shall be vested in its members.

1229 (14) Seven members constitute a quorum for transaction of authority business.

1230 ~~[(15) (a) (i) Members who are not government employees shall receive no~~
1231 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
1232 ~~the performance of the member's official duties at the rates established by the Division of~~
1233 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

1234 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

1235 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~
1236 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
1237 ~~incurred in the performance of their official duties from the authority at the rates established by~~

1238 the Division of Finance under Sections 63A-3-106 and 63A-3-107.]

1239 ~~[(ii) State government officer and employee members may decline to receive per diem~~
1240 ~~and expenses for their service.]~~

1241 ~~[(c) (i) Local government members who do not receive salary, per diem, or expenses~~
1242 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
1243 ~~in the performance of their official duties at the rates established by the Division of Finance~~
1244 ~~under Sections 63A-3-106 and 63A-3-107.]~~

1245 ~~[(ii) Local government members may decline to receive per diem and expenses for~~
1246 ~~their service.]~~

1247 ~~[(d) (i) Higher education members who do not receive salary, per diem, or expenses~~
1248 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
1249 ~~in the performance of their official duties from the committee at the rates established by the~~
1250 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

1251 ~~[(ii) Higher education members may decline to receive per diem and expenses for their~~
1252 ~~service.]~~

1253 (15) A member may not receive compensation or benefits for the member's service, but
1254 may receive per diem and travel expenses in accordance with:

1255 (a) Section 63A-3-106;

1256 (b) Section 63A-3-107; and

1257 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1258 63A-3-107.

1259 Section 21. Section **9-4-304** is amended to read:

1260 **9-4-304. Permanent Community Impact Fund Board created -- Members --**
1261 **Terms -- Chair -- Expenses.**

1262 (1) There is created within the Department of Community and Culture the Permanent
1263 Community Impact Fund Board composed of 11 members as follows:

1264 (a) the chair of the Board of Water Resources or the chair's designee;

1265 (b) the chair of the Water Quality Board or the chair's designee;

1266 (c) the director of the department or the director's designee;

1267 (d) the state treasurer;

1268 (e) the chair of the Transportation Commission or the chair's designee;

1269 (f) a locally elected official who resides in Carbon, Emery, Grand, or San Juan County;
1270 (g) a locally elected official who resides in Juab, Millard, Sanpete, Sevier, Piute, or
1271 Wayne County;
1272 (h) a locally elected official who resides in Duchesne, Daggett, or Uintah County;
1273 (i) a locally elected official who resides in Beaver, Iron, Washington, Garfield, or Kane
1274 County; and
1275 (j) a locally elected official from each of the two counties that produced the most
1276 mineral lease monies during the previous four-year period, prior to the term of appointment, as
1277 determined by the Department of Community and Culture.

1278 (2) (a) The members specified under Subsections (1)(f) through (j) may not reside in
1279 the same county and shall be:

1280 (i) nominated by the Board of Directors of the Southeastern Association of
1281 Governments, Central Utah Association of Governments, Uintah Basin Association of
1282 Governments, and Southwestern Association of Governments, respectively, except that a
1283 member under Subsection (1)(j) shall be nominated by the Board of Directors of the
1284 Association of Governments from the region of the state in which the county is located; and
1285 (ii) appointed by the governor with the consent of the Senate.

1286 (b) Except as required by Subsection (2)(c), as terms of current board members expire,
1287 the governor shall appoint each new member or reappointed member to a four-year term.

1288 (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the
1289 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1290 board members are staggered so that approximately half of the board is appointed every two
1291 years.

1292 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
1293 appointed for the unexpired term.

1294 (3) The terms of office for the members of the impact board specified under
1295 Subsections (1)(a) through (1)(e) shall run concurrently with the terms of office for the
1296 councils, boards, committees, commission, departments, or offices from which the members
1297 come.

1298 (4) The executive director of the department, or the executive director's designee, shall
1299 be the chair of the impact board.

~~[(5) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

~~[(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

~~[(c) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Local government members may decline to receive per diem and expenses for their service.]~~

(5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 22. Section **9-4-503** is amended to read:

9-4-503. Private Activity Bond Review Board.

(1) There is created within the department the Private Activity Bond Review Board, composed of 11 members as follows:

(a) five ex officio members who shall be:

(i) the executive director of the department or the executive director's designee;

(ii) the director of the Division of Business and Economic Development or the director's designee;

1331 (iii) the state treasurer or the treasurer's designee;
1332 (iv) the chair of the Board of Regents or the chair's designee; and
1333 (v) the chair of the Utah Housing Corporation or the chair's designee; and
1334 (b) six local government members who shall be:
1335 (i) three elected or appointed county officials, nominated by the Utah Association of
1336 Counties and appointed by the governor with the consent of the Senate; and
1337 (ii) three elected or appointed municipal officials, nominated by the Utah League of
1338 Cities and Towns and appointed by the governor with the consent of the Senate.
1339 (2) (a) Except as required by Subsection (2)(b), the terms of office for the local
1340 government members of the board of review shall be four-year terms.
1341 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
1342 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1343 board members are staggered so that approximately half of the board is appointed every two
1344 years.
1345 (c) Members may be reappointed only once.
1346 (3) (a) If a local government member ceases to be an elected or appointed official of
1347 the city or county the member is appointed to represent, that membership on the board of
1348 review terminates immediately and there shall be a vacancy in the membership.
1349 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
1350 appointed within 30 days in the manner of the regular appointment for the unexpired term, and
1351 until his successor is appointed and qualified.
1352 (4) (a) The chair of the board of review shall be the executive director of the
1353 department or the executive director's designee.
1354 (b) The chair is nonvoting except in the case of a tie vote.
1355 (5) Six members of the board of review constitute a quorum.
1356 (6) Formal action by the board of review requires a majority vote of a quorum.
1357 ~~[(7)(a) Members who are not government employees may not receive compensation or~~
1358 ~~benefits for their services, but may receive per diem and expenses incurred in the performance~~
1359 ~~of the member's official duties at the rates established by the Division of Finance under~~
1360 ~~Sections 63A-3-106 and 63A-3-107.]~~
1361 ~~[(b) State government officer and employee members who do not receive salary, per~~

diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]

~~[(c) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(d) Higher education members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(e) Members identified in Subsections (7)(a) through (d) may decline to receive per diem and expenses for their service.]~~

(7) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(8) The chair of the board of review serves as the state official designated under state law to make certifications required to be made under Section 146 of the code including the certification required by Section 149(e)(2)(F) of the code.

Section 23. Section **9-4-703** is amended to read:

9-4-703. Housing loan fund board -- Duties -- Expenses.

(1) There is created the Olene Walker Housing Loan Fund Board.

(2) The board shall be composed of 11 voting members.

(a) The governor shall appoint the following members to four-year terms:

(i) two members from local governments;

(ii) two members from the mortgage lending community;

(iii) one member from real estate sales interests;

(iv) one member from home builders interests;

1393 (v) one member from rental housing interests;
1394 (vi) one member from housing advocacy interests;
1395 (vii) one member of the manufactured housing interest; and
1396 (viii) two members of the general public.
1397 (b) The director or his designee shall serve as the secretary of the committee.
1398 (c) The members of the board shall annually elect a chair from among the voting
1399 membership of the board.
1400 (3) (a) Notwithstanding the requirements of Subsection (2), the governor shall, at the
1401 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1402 board members are staggered so that approximately half of the board is appointed every two
1403 years.
1404 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
1405 appointed for the unexpired term.
1406 (4) (a) The board shall:
1407 (i) meet regularly, at least quarterly, on dates fixed by the board;
1408 (ii) keep minutes of its meetings; and
1409 (iii) comply with the procedures and requirements of Title 52, Chapter 4, Open and
1410 Public Meetings Act.
1411 (b) Seven members of the board constitute a quorum, and the governor, the chair, or a
1412 majority of the board may call a meeting of the board.
1413 (5) The board shall:
1414 (a) review the housing needs in the state;
1415 (b) determine the relevant operational aspects of any grant, loan, or revenue collection
1416 program established under the authority of this chapter;
1417 (c) determine the means to implement the policies and goals of this chapter;
1418 (d) determine specific projects that the board considers should receive grant or loan
1419 moneys; and
1420 (e) determine how fund moneys shall be allocated and distributed.
1421 ~~[(6) (a) (i) Members who are not government employees shall receive no compensation~~
1422 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
1423 ~~performance of the member's official duties at the rates established by the Division of Finance~~

1424 ~~under Sections 63A-3-106 and 63A-3-107.]~~

1425 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

1426 ~~[(b) (i) State government employee members who do not receive salary, per diem, or~~
1427 ~~expenses from their agency for their service may receive per diem and expenses incurred in the~~
1428 ~~performance of their official duties from the board at the rates established by the Division of~~
1429 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

1430 ~~[(ii) State government employee members may decline to receive per diem and~~
1431 ~~expenses for their service.]~~

1432 ~~[(c) (i) Local government members who do not receive salary, per diem, or expenses~~
1433 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
1434 ~~in the performance of their official duties at the rates established by the Division of Finance~~
1435 ~~under Sections 63A-3-106 and 63A-3-107.]~~

1436 ~~[(ii) Local government members may decline to receive per diem and expenses for~~
1437 ~~their service.]~~

1438 (6) A member may not receive compensation or benefits for the member's service, but
1439 may receive per diem and travel expenses in accordance with:

1440 (a) Section 63A-3-106;

1441 (b) Section 63A-3-107; and

1442 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1443 63A-3-107.

1444 Section 24. Section **9-4-801** is amended to read:

1445 **9-4-801. Creation.**

1446 (1) There is created the Homeless Coordinating Committee.

1447 (2) (a) The committee shall consist of the state planning coordinator, the state
1448 superintendent of public instruction, the chair of the board of trustees of the Utah Housing
1449 Corporation, and the executive directors of the Department of Human Services, the Department
1450 of Corrections, the Department of Community and Culture, the Department of Workforce
1451 Services, and the Department of Health, or their designees.

1452 (b) The governor shall appoint the chair from among these members.

1453 (3) The governor may also appoint as members of the committee representatives of
1454 local governments, local housing authorities, local law enforcement agencies, and of federal

and private agencies and organizations concerned with the homeless, mentally ill, elderly, single-parent families, substance abusers, and persons with a disability.

(4) (a) Except as required by Subsection (4)(b), as terms of current committee members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

(c) A person appointed under this Subsection (4) may not be appointed to serve more than three consecutive terms.

(5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

~~[(6) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

~~[(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

~~[(c) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Local government members may decline to receive per diem and expenses for their service.]~~

(6) A member may not receive compensation or benefits for the member's service, but

1486 may receive per diem and travel expenses in accordance with:

1487 (a) Section 63A-3-106;

1488 (b) Section 63A-3-107; and

1489 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1490 63A-3-107.

1491 Section 25. Section **9-4-904** is amended to read:

1492 **9-4-904. Creation -- Trustees -- Terms -- Vacancies -- Chair -- Powers -- Quorum**
1493 **-- Per diem and expenses.**

1494 (1) (a) There is created an independent body politic and corporate, constituting a public
1495 corporation, known as the "Utah Housing Corporation."

1496 (b) The corporation may also be known and do business as the:

1497 (i) Utah Housing Finance Association; and

1498 (ii) Utah Housing Finance Agency in connection with any contract entered into when
1499 that was the corporation's legal name.

1500 (c) Any other entity may not use the names described in Subsections (1)(a) and (b)
1501 without the express approval of the corporation.

1502 (2) The corporation shall be governed by a board of trustees composed of the following
1503 nine trustees:

1504 (a) three ex officio trustees who shall be:

1505 (i) the executive director of the Department of Community and Culture or the
1506 executive director's designee;

1507 (ii) the commissioner of the Department of Financial Institutions or the commissioner's
1508 designee; and

1509 (iii) the state treasurer or the treasurer's designee; and

1510 (b) six public trustees, being private citizens of the state, as follows:

1511 (i) two people representing the mortgage lending industry;

1512 (ii) two people representing the home building and real estate industry; and

1513 (iii) two people representing the public at large.

1514 (3) The governor shall:

1515 (a) appoint the six public trustees of the corporation with the consent of the Senate; and

1516 (b) ensure that:

1517 (i) the six public trustees are from different counties and are residents of Utah; and
1518 (ii) not more than three of the public trustees belong to the same political party.

1519 (4) (a) Except as required by Subsection (4)(b), the six public trustees shall be
1520 appointed to terms of office of four years each.

1521 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
1522 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1523 corporation trustees are staggered so that approximately half of the board is appointed every
1524 two years.

1525 (5) (a) Any of the six public trustees of the corporation may be removed from office for
1526 cause either by the governor or by an affirmative vote of any six trustees of the corporation.

1527 (b) When a vacancy occurs in the board of trustees for any reason, the replacement
1528 shall be appointed for the unexpired term.

1529 (c) Each public trustee shall hold office for the term of appointment and until the
1530 trustee's successor has been appointed and qualified.

1531 (d) Any public trustee is eligible for reappointment but may not serve more than two
1532 full consecutive terms.

1533 (6) (a) The governor shall select the chair of the corporation.

1534 (b) The trustees shall elect from among their number a vice chair and other officers
1535 they may determine.

1536 (7) (a) Five trustees of the corporation constitute a quorum for transaction of business.

1537 (b) An affirmative vote of at least five trustees is necessary for any action to be taken
1538 by the corporation.

1539 (c) A vacancy in the board of trustees may not impair the right of a quorum to exercise
1540 all rights and perform all duties of the corporation.

1541 ~~[(8) (a) (i) Trustees who are not government employees may not receive compensation~~
1542 ~~or benefits for their services, but may receive a reasonable per diem and reimbursement~~
1543 ~~expenses incurred in the performance of the trustee's official duties at the rates established by~~
1544 ~~the board of trustees.]~~

1545 ~~[(ii) Trustees may decline to receive per diem and expenses for their service.]~~

1546 ~~[(b) (i) State government officer and employee trustees who do not receive salary, per~~
1547 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~

1548 incurred in the performance of their official duties from the corporation at the rates established
1549 by the Division of Finance under Sections ~~63A-3-106 and 63A-3-107.~~]

1550 [(ii) ~~State government officer and employee trustees may decline to receive per diem~~
1551 ~~and expenses for their service.~~]

1552 (8) A trustee may not receive compensation or benefits for the trustee's service, but
1553 may receive per diem and travel expenses in accordance with:

1554 (a) Section 63A-3-106;

1555 (b) Section 63A-3-107; and

1556 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1557 63A-3-107.

1558 Section 26. Section **9-6-204** is amended to read:

1559 **9-6-204. Utah Arts Council Board of Directors.**

1560 (1) There is created within the department the Board of Directors of the Utah Arts
1561 Council.

1562 (2) (a) The board shall consist of 13 members appointed by the governor to four-year
1563 terms of office with the consent of the Senate.

1564 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
1565 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1566 board members are staggered so that approximately half of the board is appointed every two
1567 years.

1568 (c) Nine board members shall be working artists in the following areas:

1569 (i) visual arts;

1570 (ii) architecture or design;

1571 (iii) literature;

1572 (iv) music;

1573 (v) sculpture;

1574 (vi) folklore or folk arts;

1575 (vii) theatre;

1576 (viii) dance; and

1577 (ix) media arts.

1578 (d) Four board members shall be citizens knowledgeable in the arts.

(3) The members shall be appointed from the state at large with due consideration for geographical representation.

(4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term by the governor within one month from the time of vacancy.

(5) Seven members of the board constitute a quorum for the transaction of business.

(6) The governor shall annually select one of the board members as chair.

~~[(7)(a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(b) Members may decline to receive per diem and expenses for their service.]~~

(7) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

~~[(c) Members]~~ (8) A member may not receive gifts, prizes, or awards of money from the purchasing fund of the division during ~~[their terms]~~ the member's term of office.

Section 27. Section **9-6-305** is amended to read:

9-6-305. Art collection committee.

(1) The division shall appoint a committee of artists or judges of art to take charge of all works of art acquired under this chapter. This collection shall be known as the Utah State Alice Art Collection.

(2) (a) Except as required by Subsection (2)(b), as terms of current board members expire, the division shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (2)(a), the division shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(3) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

1610 ~~[(4) (a) Members shall receive no compensation or benefits for their services, but may~~
1611 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
1612 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

1613 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

1614 (4) A member may not receive compensation or benefits for the member's service, but
1615 may receive per diem and travel expenses in accordance with:

1616 (a) Section 63A-3-106;

1617 (b) Section 63A-3-107; and

1618 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1619 63A-3-107.

1620 Section 28. Section **9-6-604** is amended to read:

1621 **9-6-604. Museum Services Advisory Board -- Membership.**

1622 (1) There is created the Museum Services Advisory Board.

1623 (2) The board shall consist of 11 members appointed by the governor.

1624 (3) The governor shall ensure that the board includes:

1625 (a) at least six members who are qualified, trained, and experienced museum
1626 professionals, three of whom shall have a minimum of five years continuous paid work
1627 experience in a museum and be drawn from a list proposed by the Utah Museums Association;

1628 (b) other persons with an interest in Utah's museums; and

1629 (c) representation from throughout Utah.

1630 (4) (a) Advisory board members shall be appointed for terms of four years except that
1631 three shall initially be appointed for two years, four for three years, and four for four years.

1632 (b) They serve until their successors are appointed and qualified.

1633 (5) (a) The governor shall appoint the chair of the board.

1634 (b) The board shall choose a vice chair from its own members.

1635 (c) Members may be reappointed for one additional term only, unless the governor
1636 determines that unusual circumstances warrant a further term.

1637 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
1638 appointed for the unexpired term.

1639 (7) Six members of the board constitute a quorum for the transaction of business.

1640 (8) The advisory board shall meet at least once a year.

~~[(9) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(b) Members may decline to receive per diem and expenses for their service.]~~

(9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(10) The department shall pay those expenses on warrant to the Division of Finance from money in the budget appropriated for that purpose.

Section 29. Section **9-6-704** is amended to read:

**9-6-704. State-Owned Art Collections Inventory Program Committee --
Membership -- Chair -- Expenses -- Duties.**

(1) There is created within the division the State-Owned Art Collections Inventory Committee.

(2) The committee consists of seven members who shall be experts in one or more aspect of the program as follows:

(a) the director of the Utah Museum of Fine Arts, or a designee;

(b) the director of the Utah Arts Council, or a designee;

(c) the director of the Division of Risk Management, or a designee;

(d) the director of the Utah Academic Library Consortium, or a designee;

(e) the director of the Utah State Archives and Records Service, or a designee;

(f) the director of the Division of Facilities Construction and Management; and

(g) a member of the public with expertise in the area of web site or database design and administration appointed by the other members of the committee to serve at the pleasure of the committee.

(3) (a) The committee shall annually elect a chairperson from its membership.

(b) (i) The committee shall hold meetings as needed to carry out its duties.

(ii) A meeting may be held on the call of the chair or a majority of the committee

1672 members.

1673 (c) Four committee members are necessary to constitute a quorum at any meeting and,
1674 if a quorum exists, the action of a majority of members present shall be the action of the
1675 committee.

1676 ~~[(4)(a) Committee members who are not government employees may not receive~~
1677 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
1678 ~~the performance of their official duties at rates established by the Division of Finance under~~
1679 ~~Sections 63A-3-106 and 63A-3-107.]~~

1680 ~~[(b) A committee member may decline to receive per diem and expenses for service to~~
1681 ~~the committee.]~~

1682 (4) A committee member may not receive compensation or benefits for the member's
1683 service, but may receive per diem and travel expenses in accordance with:

1684 (a) Section 63A-3-106;

1685 (b) Section 63A-3-107; and

1686 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1687 63A-3-107.

1688 (5) The division shall provide staff support to the committee.

1689 (6) The funding of the committee shall be a separate line item to the division in the
1690 annual appropriations act.

1691 (7) The committee shall:

1692 (a) advise the division on the design and implementation of the inventory study
1693 program;

1694 (b) monitor, advise, and make recommendations to the division to promote and ensure
1695 the efficient and effective plan for the inventory study program; and

1696 (c) study promoting collaborative efforts to develop public awareness, public school
1697 curriculum, and teacher training materials on the provisions of the program.

1698 Section 30. Section **9-7-204** is amended to read:

1699 **9-7-204. State Library Board -- Members -- Meetings -- Expenses.**

1700 (1) There is created within the department the State Library Board.

1701 (2) (a) The board shall consist of nine members appointed by the governor.

1702 (b) One member shall be appointed on recommendation from each of the following

1703 agencies:

1704 (i) the State Office of Education;

1705 (ii) the Board of Control of the State Law Library;

1706 (iii) the Office of Legislative Research and General Counsel; and

1707 (iv) the Utah System of Higher Education.

1708 (c) Of the five remaining members at least two shall be appointed from rural areas.

1709 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
1710 expire, the governor shall appoint each new member or reappointed member to a four-year
1711 term.

1712 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
1713 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1714 board members are staggered so that approximately half of the board is appointed every two
1715 years.

1716 (4) The members may not serve more than two full consecutive terms.

1717 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
1718 appointed for the unexpired term in the same manner as originally appointed.

1719 (6) Five members of the board constitute a quorum for conducting board business.

1720 (7) The governor shall select one of the board members as chair who shall serve for a
1721 period of two years.

1722 (8) The director of the State Library Division shall be executive officer of the board.

1723 ~~[(9)(a)(i) Members who are not government employees shall receive no compensation~~
1724 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
1725 ~~performance of the member's official duties at the rates established by the Division of Finance~~
1726 ~~under Sections 63A-3-106 and 63A-3-107.]~~

1727 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

1728 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
1729 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
1730 ~~incurred in the performance of their official duties from the board at the rates established by the~~
1731 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

1732 ~~[(ii) State government officer and employee members may decline to receive per diem~~
1733 ~~and expenses for their service.]~~

~~[(c) (i) Higher education members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Higher education members may decline to receive per diem and expenses for their service.]~~

(9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 31. Section **9-8-204** is amended to read:

9-8-204. Board of State History.

(1) There is created within the department the Board of State History.

(2) The board shall consist of 11 members appointed by the governor with the consent of the Senate as follows:

(a) sufficient representatives to satisfy the federal requirements for an adequately qualified State Historic Preservation Review Board; and

(b) other persons with an interest in the subject matter of the division's responsibilities.

(3) (a) Except as required by Subsection (3)(b), the members shall be appointed for terms of four years and shall serve until their successors are appointed and qualified.

(b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term with the consent of the Senate.

(5) Six members of the board are a quorum for the transaction of business.

(6) The governor shall select a chair and vice chair from the board members.

~~[(7) (a) Members shall receive no compensation or benefits for their services, but may~~

1765 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
1766 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

1767 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

1768 (7) A member may not receive compensation or benefits for the member's service, but
1769 may receive per diem and travel expenses in accordance with:

1770 (a) Section 63A-3-106;

1771 (b) Section 63A-3-107; and

1772 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1773 63A-3-107.

1774 Section 32. Section **9-9-104.5** is amended to read:

1775 **9-9-104.5. Meetings with tribal leaders and Indian groups.**

1776 (1) The division shall meet regularly with:

1777 (a) elected officials of Indian tribes located in whole or in part in the state; or

1778 (b) individuals designated by elected officials of the tribes described in Subsection

1779 (1)(a).

1780 (2) (a) Subject to Section 9-9-104.6, at least five times each year, the division shall
1781 coordinate and attend a joint meeting of the representatives of tribal governments listed in
1782 Subsection (2)(b) for the purpose of coordinating the efforts of state and tribal governments in
1783 meeting the needs of the Native Americans residing in the state.

1784 (b) (i) The representatives to be included in the meeting described in Subsection (2)(a)
1785 shall be selected as follows:

1786 (A) an elected official of the Navajo Nation that resides in San Juan County selected by
1787 the Navajo Nation government;

1788 (B) an elected official of the Ute Indian Tribe of the Uintah and Ouray Reservation
1789 selected by the Uintah and Ouray Tribal Business Committee;

1790 (C) an elected official of the Paiute Indian Tribe of Utah selected by the Paiute Indian
1791 Tribe of Utah Tribal Council;

1792 (D) an elected official of the Northwestern Band of the Shoshoni Nation that resides in
1793 Northern Utah selected by the Northwestern Band of the Shoshoni Nation Tribal Council;

1794 (E) an elected official of the Confederate Tribes of Goshute Reservation that resides in
1795 Ibapah selected by the Goshute Business Council;

1796 (F) an elected official of the Skull Valley Band of Goshute Indians selected by the
1797 Goshute Indian Tribal Executive Committee;

1798 (G) an elected official of the Ute Mountain Ute Tribe that resides in Utah selected by
1799 the Ute Mountain Ute Tribal Council; and

1800 (H) an elected official of the San Juan Southern Paiute Tribe selected by the San Juan
1801 Southern Paiute Tribal Council.

1802 (ii) Notwithstanding Subsection (2)(b)(i), if an elected official of an Indian tribe
1803 provides notice to the division, the Indian tribe may designate an individual other than the
1804 elected official selected under Subsection (2)(b)(i) to represent the Indian tribe at a meeting
1805 held under Subsection (2)(a).

1806 (c) (i) A meeting held in accordance with Subsection (2)(a) is subject to Title 52,
1807 Chapter 4, Open and Public Meetings Act.

1808 (ii) A meeting of representatives listed in Subsection (2)(b) is not subject to the
1809 requirements of Title 52, Chapter 4, Open and Public Meetings Act, notwithstanding whether it
1810 is held on the same day as a meeting held in accordance with Subsection (2)(a) if:

1811 (A) the division does not coordinate the meeting described in this Subsection (2)(c)(ii);

1812 (B) no state agency participates in the meeting described in this Subsection (2)(c)(ii);

1813 (C) a representative receives no per diem or expenses under this section for attending
1814 the meeting described in this Subsection (2)(c)(ii) that is in addition to any per diem or
1815 expenses the representative receives under Subsection (2)(d) for attending a meeting described
1816 in Subsection (2)(a); and

1817 (D) the meeting described in this Subsection (2)(c)(ii) is not held:

1818 (I) after a meeting described in Subsection (2)(a) begins; and

1819 (II) before the meeting described in Subsection (2)(c)(ii)(D)(I) adjourns.

1820 ~~[(d) (i) The representative selected under Subsection (2)(b) that attends a meeting held~~
1821 ~~in accordance with Subsection (2)(a) who does not receive compensation, per diem, or~~
1822 ~~expenses from the tribal government specifically for the representative's attendance at that~~
1823 ~~meeting may receive per diem and expenses incurred in attending the meeting at the rates~~
1824 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

1825 ~~[(ii) A representative of a tribal government that attends a meeting held in accordance~~
1826 ~~with Subsection (2)(a) may decline to receive per diem and expenses for the representative's~~

1827 ~~attendance.]~~

1828 (d) A representative of a tribal government that attends a meeting held in accordance
1829 with Subsection (2)(a) may not receive compensation or benefits for the representative's
1830 service, but may receive per diem and travel expenses in accordance with:

1831 (i) Section 63A-3-106;

1832 (ii) Section 63A-3-107; and

1833 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1834 63A-3-107.

1835 ~~[(iii)]~~ (e) For each meeting, only one individual from each tribe may receive per diem
1836 and expenses, as provided in this Subsection (2)(d).

1837 (3) The division may meet as necessary with Indian groups other than tribal
1838 governments representing the interests of Native Americans who are citizens of the state
1839 residing on or off reservation land.

1840 Section 33. Section **9-9-104.6** is amended to read:

1841 **9-9-104.6. Participation of state agencies in meetings with tribal leaders --**

1842 **Contact information.**

1843 (1) For at least three of the joint meetings described in Subsection 9-9-104.5(2)(a), the
1844 division shall coordinate with representatives of tribal governments and the entities listed in
1845 Subsection (2) to provide for the broadest participation possible in the joint meetings.

1846 (2) The following may participate in all meetings described in Subsection (1):

1847 (a) the chairs of the Native American Legislative Liaison Committee created in Section
1848 36-22-1;

1849 (b) the governor or the governor's designee;

1850 (c) a representative appointed by the chief administrative officer of the following:

1851 (i) the Department of Health;

1852 (ii) the Department of Human Services;

1853 (iii) the Department of Natural Resources;

1854 (iv) the Department of Workforce Services;

1855 (v) the Governor's Office of Economic Development;

1856 (vi) the State Office of Education; and

1857 (vii) the State Board of Regents.

(3) (a) The chief administrative officer of the agencies listed in Subsection (3)(b) shall:

(i) designate the name of a contact person for that agency that can assist in coordinating the efforts of state and tribal governments in meeting the needs of the Native Americans residing in the state; and

(ii) notify the division:

(A) who is the designated contact person described in Subsection (3)(a)(i); and

(B) of any change in who is the designated contact person described in Subsection (3)(a)(i).

(b) This Subsection (3) applies to:

(i) the Department of Agriculture and Food;

(ii) the Department of Community and Culture;

(iii) the Department of Corrections;

(iv) the Department of Environmental Quality;

(v) the Department of Public Safety;

(vi) the Department of Transportation;

(vii) the Office of the Attorney General;

(viii) the State Tax Commission; and

(ix) any agency described in Subsection (2)(c).

(c) At the request of the division, a contact person listed in Subsection (3)(b) may participate in a meeting described in Subsection (1).

~~[(4) (a) Salaries and expenses of a legislator participating in accordance with this section in a meeting described in Subsection (1) shall be paid in accordance with Section 36-2-2 and Joint Rule 15.03.]~~

~~[(b) A state government officer or employee may receive per diem and expenses at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107 for participating in a meeting described in Subsection (1) if the officer or employee:]~~

~~[(i) participates in the meeting in accordance with this section; and]~~

~~[(ii) does not receive salary, per diem, or expenses from the officer's or employee's agency for participating in the meeting.]~~

~~[(c) A state government officer or employee that participates in a meeting described in Subsection (1) may decline to receive per diem and expenses for participating in the meeting.]~~

(4) A participant under this section who is not a legislator may not receive compensation or benefits for the participant's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 34. Section **9-9-405** is amended to read:

9-9-405. Review committee.

(1) There is created a Native American Remains Review Committee.

(2) (a) The review committee shall be composed of seven members as follows:

(i) four shall be appointed by the director from nominations submitted by Indian tribes;
and

(ii) three shall be appointed by the director from nominations submitted by
representatives of repositories.

(b) Except as required by Subsection (2)(c), as terms of current committee members expire, the director shall appoint each new member or reappointed member to a four-year term.

(c) Notwithstanding the requirements of Subsection (2)(b), the director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the review committee is appointed every two years.

(d) When a vacancy occurs in the membership for any reason, the director shall appoint a replacement for the unexpired term.

~~[(e) (i) A member may not receive compensation or benefits for the member's services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) A member may decline to receive per diem and expenses for the member's service.]~~

(e) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

- 1920 (ii) Section 63A-3-107; and
- 1921 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 1922 63A-3-107.
- 1923 (f) The review committee shall designate one of its members as chair.
- 1924 (3) The review committee shall:
- 1925 (a) monitor the identification process conducted under Section 9-9-403 to ensure a fair
- 1926 and objective consideration and assessment of all available relevant information and evidence;
- 1927 (b) review a finding relating to the following, subject to the rules made by the division
- 1928 under Subsection 9-9-403(6):
- 1929 (i) the identity or cultural affiliation of Native American remains; or
- 1930 (ii) the return of Native American remains;
- 1931 (c) facilitate the resolution of a dispute among Indian tribes or lineal descendants and
- 1932 state agencies relating to the return of Native American remains, including convening the
- 1933 parties to the dispute if considered desirable;
- 1934 (d) consult with Indian tribes on matters within the scope of the work of the review
- 1935 committee affecting these tribes;
- 1936 (e) consult with the division in the development of rules to carry out this part;
- 1937 (f) perform other related functions as the division may assign to the review committee;
- 1938 and
- 1939 (g) make recommendations, if appropriate, regarding care of Native American remains
- 1940 that are to be repatriated.
- 1941 (4) A record or finding made by the review committee relating to the identity of or
- 1942 cultural affiliation of Native American remains and the return of Native American remains may
- 1943 be admissible in any action brought under this part.
- 1944 (5) The appropriate state agency having primary authority over the lands as provided in
- 1945 Chapter 8, Part 3, Antiquities, shall ensure that the review committee has reasonable access to:
- 1946 (a) Native American remains under review; and
- 1947 (b) associated scientific and historical documents.
- 1948 (6) The division shall provide reasonable administrative and staff support necessary for
- 1949 the deliberations of the review committee.
- 1950 (7) The review committee shall submit an annual report to the Native American

1951 Legislative Liaison Committee, created in Section 36-22-1, on the progress made, and any
1952 barriers encountered, in implementing this section during the previous year.

1953 Section 35. Section **9-10-103** is amended to read:

1954 **9-10-103. Uintah Basin Revitalization Fund Board created -- Members -- Terms**
1955 **-- Chair -- Quorum -- Expenses.**

1956 (1) There is created within the division the Revitalization Board composed of five
1957 members as follows:

1958 (a) the governor or his designee;

1959 (b) a Uintah County commissioner;

1960 (c) a Duchesne County commissioner; and

1961 (d) two representatives of the Business Committee of the Tribe.

1962 (2) The terms of office for the members of the board shall run concurrently with the
1963 terms of office for the governor, commissioners, and Business Committee of the Tribe.

1964 (3) The governor, or his designee, shall be the chair of the board.

1965 (4) Four board members are a quorum.

1966 (5) All decisions of the board require four affirmative votes.

1967 ~~[(6)(a)(i) Members who are not government employees shall receive no compensation~~
1968 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
1969 ~~performance of the member's official duties at the rates established by the Division of Finance~~
1970 ~~under Sections 63A-3-106 and 63A-3-107.]~~

1971 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

1972 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
1973 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
1974 ~~incurred in the performance of their official duties from the board at the rates established by the~~
1975 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

1976 ~~[(ii) State government officer and employee members may decline to receive per diem~~
1977 ~~and expenses for their service.]~~

1978 ~~[(c)(i) Local government members who do not receive salary, per diem, or expenses~~
1979 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
1980 ~~in the performance of their official duties at the rates established by the Division of Finance~~
1981 ~~under Sections 63A-3-106 and 63A-3-107.]~~

1982 ~~[(ii) Local government members may decline to receive per diem and expenses for~~
1983 ~~their service.]~~

1984 (6) A member may not receive compensation or benefits for the member's service, but
1985 may receive per diem and travel expenses in accordance with:

1986 (a) Section 63A-3-106;

1987 (b) Section 63A-3-107; and

1988 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1989 63A-3-107.

1990 Section 36. Section **9-11-105** is amended to read:

1991 **9-11-105. Navajo Revitalization Fund Board.**

1992 (1) There is created within the division the Navajo Revitalization Board composed of
1993 five members as follows:

1994 (a) the governor or the governor's designee;

1995 (b) the two members of the San Juan County commission whose districts include
1996 portions of the Navajo Reservation;

1997 (c) the chair of the Navajo Utah Commission or a member of the commission
1998 designated by the chair of the Navajo Utah Commission; and

1999 (d) (i) ending June 30, 2008, the chair of the Utah Dineh Committee, as created in
2000 Section 63-88-107, or a member of the committee designated by the chair; and

2001 (ii) beginning July 1, 2008, a president of a Utah Navajo Chapter or an individual
2002 designated by the president under an annual rotation system of Utah Navajo Chapters as
2003 follows:

2004 (A) the president of a Utah Navajo Chapter shall serve for one year;

2005 (B) the Utah Navajo Chapter is rotated in alphabetical order as provided in Subsection
2006 9-11-102(7), except that the rotation will begin on July 1, 2008 with the Dennehotso Chapter;

2007 (C) if the president of a Utah Navajo Chapter under Subsection (1)(d)(ii)(B) is the
2008 same individual as the individual listed in Subsection (1)(c):

2009 (I) that Utah Navajo Chapter is skipped as part of that rotation; and

2010 (II) the president of the next Utah Navajo Chapter in the alphabetical rotation shall
2011 serve on the board.

2012 (2) The term of office for a member of the board described in Subsections (1)(a)

2013 through (c) runs concurrently with the term of office for the governor, county commissioner, or
2014 member of the Navajo Utah Commission.

2015 (3) (a) The governor, or the governor's designee, is the chair of the board.

2016 (b) The chair shall call necessary meetings.

2017 ~~[(4) (a) (i) A member who is not a government employee of the state or local~~
2018 ~~government may not receive compensation or benefits for the member's services, but may~~
2019 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
2020 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2021 ~~[(ii) A member who is not a government employee of the state or local government may~~
2022 ~~decline to receive per diem and expenses for the member's service.]~~

2023 ~~[(b) (i) A state government officer or employee member who does not receive salary,~~
2024 ~~per diem, or expenses from the member's agency for the member's service may receive per~~
2025 ~~diem and expenses incurred in the performance of the member's official duties from the board~~
2026 ~~at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2027 ~~[(ii) A state government officer or employee member may decline to receive per diem~~
2028 ~~and expenses for the member's service.]~~

2029 ~~[(c) (i) A local government member who does not receive salary, per diem, or expenses~~
2030 ~~from the entity that the member represents for the member's service may receive per diem and~~
2031 ~~expenses incurred in the performance of the member's official duties at the rates established by~~
2032 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2033 ~~[(ii) A local government member may decline to receive per diem and expenses for the~~
2034 ~~member's service.]~~

2035 (4) A member may not receive compensation or benefits for the member's service, but
2036 may receive per diem and travel expenses in accordance with:

2037 (a) Section 63A-3-106;

2038 (b) Section 63A-3-107; and

2039 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2040 63A-3-107.

2041 ~~[(d)]~~ (5) The per diem and travel expenses permitted under ~~[this]~~ Subsection (4) may
2042 be included as costs of administration of the revitalization fund.

2043 ~~[(5)]~~ (6) Four board members are a quorum.

2044 ~~[(6)]~~ (7) An affirmative vote of each member of the board present at a meeting when a
2045 quorum is present is required for a board decision related to monies in or disbursed from the
2046 revitalization fund.

2047 Section 37. Section **10-6-153** is amended to read:

2048 **10-6-153. Municipal government fiscal committee created -- Members -- Terms --**
2049 **Vacancies -- Recommendations.**

2050 (1) There is hereby created a municipal government fiscal committee, the members of
2051 which shall be:

2052 (a) all auditors of cities of the first class and two auditors from cities of the second
2053 class appointed by the state auditor;

2054 (b) four elected or appointed municipal officials, two of whom shall be from larger
2055 cities of the third class, one of whom shall be from cities of the fourth class, and one of whom
2056 shall be from cities of the fifth class, appointed by the state auditor from a list recommended by
2057 the Utah League of Cities and Towns; and

2058 (c) two additional members who are knowledgeable in the area of municipal fiscal
2059 affairs appointed by the state auditor.

2060 (2) (a) Members shall be appointed to four-year terms on the committee, provided that
2061 the term of an elected or appointed official shall terminate upon ceasing to be an elected
2062 official or an employee of the city for which such person worked when appointed.

2063 (b) Notwithstanding the requirements of Subsection (2)(a), the auditor shall, at the time
2064 of appointment or reappointment, adjust the length of terms to ensure that the terms of
2065 committee members are staggered so that approximately half of the committee is appointed
2066 every two years.

2067 (3) Any vacancy shall be filled by the state auditor from the same class as the original
2068 appointment as described in Subsection (1). Members may be reappointed.

2069 (4) The advisory committee shall assist, advise, and make recommendations to the
2070 state auditor in the preparation of uniform accounting and reporting procedures and program
2071 and performance accounting, budgeting, and reporting for cities.

2072 ~~[(5)(a) Members shall receive no compensation or benefits for their services, but may~~
2073 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
2074 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2075 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

2076 ~~[(c) Local government members who do not receive salary, per diem, or expenses from~~
2077 ~~the entity that they represent for their service may receive per diem and expenses incurred in~~
2078 ~~the performance of their official duties at the rates established by the Division of Finance under~~
2079 ~~Sections 63A-3-106 and 63A-3-107.]~~

2080 ~~[(d) Local government members may decline to receive per diem and expenses for their~~
2081 ~~service.]~~

2082 (5) A member may not receive compensation or benefits for the member's service, but
2083 may receive per diem and travel expenses in accordance with:

2084 (a) Section 63A-3-106;

2085 (b) Section 63A-3-107; and

2086 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2087 63A-3-107.

2088 Section 38. Section **11-38-201** is amended to read:

2089 **11-38-201. Quality Growth Commission -- Term of office -- Vacancy --**

2090 **Organization -- Expenses -- Staff.**

2091 (1) (a) There is created a Quality Growth Commission consisting of:

2092 (i) the director of the Department of Natural Resources;

2093 (ii) the commissioner of the Department of Agriculture and Food;

2094 (iii) six elected officials at the local government level, three of whom may not be
2095 residents of a county of the first or second class; and

2096 (iv) five persons from the profit and nonprofit private sector, two of whom may not be
2097 residents of a county of the first or second class and no more than three of whom may be from
2098 the same political party and one of whom shall be from the residential construction industry,
2099 nominated by the Utah Home Builders Association, and one of whom shall be from the real
2100 estate industry, nominated by the Utah Association of Realtors.

2101 (b) (i) The director of the Department of Natural Resources and the commissioner of
2102 the Department of Agriculture and Food may not assume their positions on the commission
2103 until:

2104 (A) after May 1, 2005; and

2105 (B) the term of the respective predecessor in office, who is a state government level

2106 appointee, expires.

2107 (ii) The term of a commission member serving on May 1, 2005 as one of the six
2108 elected local officials or five private sector appointees may not be shortened because of
2109 application of the restriction under Subsections (1)(a)(iii) and (iv) on the number of appointees
2110 from counties of the first or second class.

2111 (2) (a) Each commission member appointed under Subsection (1)(a)(iii) or (iv) shall be
2112 appointed by the governor with the consent of the Senate.

2113 (b) The governor shall select three of the six members under Subsection (1)(a)(iii) from
2114 a list of names provided by the Utah League of Cities and Towns, and shall select the
2115 remaining three from a list of names provided by the Utah Association of Counties.

2116 (c) Two of the persons appointed under Subsection (1) shall be from the agricultural
2117 community from a list of names provided by Utah farm organizations.

2118 (3) (a) The term of office of each member is four years, except that the governor shall
2119 appoint one of the persons at the state government level, three of the persons at the local
2120 government level, and two of the persons under Subsection (1)(a)(iv) to an initial two-year
2121 term.

2122 (b) No member of the commission may serve more than two consecutive four-year
2123 terms.

2124 (4) Each mid-term vacancy shall be filled for the unexpired term in the same manner as
2125 an appointment under Subsection (2).

2126 (5) Commission members shall elect a chair from their number and establish rules for
2127 the organization and operation of the commission.

2128 ~~[(6) (a) No member may receive compensation or benefits for the member's service on~~
2129 ~~the commission.]~~

2130 ~~[(b) (i) A member who is not a government officer or employee may be reimbursed for~~
2131 ~~reasonable expenses incurred in the performance of the member's official duties at the rates~~
2132 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2133 ~~[(ii) A member who is a government officer or employee and who does not receive~~
2134 ~~expenses from the member's agency may be reimbursed for reasonable expenses incurred in the~~
2135 ~~performance of the member's official duties at the rates established by the Division of Finance~~
2136 ~~under Sections 63A-3-106 and 63A-3-107.]~~

2137 ~~[(c) A member may decline to be reimbursed for reasonable expenses incurred in the~~
2138 ~~performance of the member's official duties.]~~

2139 (6) A member may not receive compensation or benefits for the member's service, but
2140 may receive per diem and travel expenses in accordance with:

2141 (a) Section 63A-3-106;

2142 (b) Section 63A-3-107; and

2143 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2144 63A-3-107.

2145 ~~[(d)]~~ (7) A member is not required to give bond for the performance of official duties.

2146 ~~[(7)]~~ (8) Staff services to the commission:

2147 (a) shall be provided by OPB; and

2148 (b) may be provided by local entities through the Utah Association of Counties and the
2149 Utah League of Cities and Towns, with funds approved by the commission from those
2150 identified as available to local entities under Subsection 11-38-203(1)(a).

2151 Section 39. Section **13-14-103** is amended to read:

2152 **13-14-103. Utah Motor Vehicle Franchise Advisory Board -- Creation --**

2153 **Appointment of members -- Alternate members -- Chair -- Quorum -- Conflict of interest.**

2154 (1) There is created within the department the Utah Motor Vehicle Franchise Advisory
2155 Board that consists of:

2156 (a) the executive director or the executive director's designee;

2157 (b) seven members appointed by the executive director, with the concurrence of the
2158 governor as follows:

2159 (i) one recreational motor vehicle franchisee;

2160 (ii) three new motor vehicle franchisees from different congressional districts in the
2161 state; and

2162 (iii) (A) three members representing motor vehicle franchisors registered by the
2163 department pursuant to Section 13-14-105;

2164 (B) three members of the general public, none of whom shall be related to any
2165 franchisee; or

2166 (C) three members consisting of any combination of these representatives under this
2167 Subsection (1)(b)(iii).

(2) (a) The executive director shall appoint, with the concurrence of the governor, three alternate members, with one alternate from each of the designations set forth in Subsections (1)(b)(i), (1)(b)(ii), and (1)(b)(iii), except that the new motor vehicle franchisee alternate or alternates for the designation under Subsection (1)(b)(ii) may be from any congressional district.

(b) An alternate shall take the place of a regular advisory board member from the same designation at a meeting of the advisory board where that regular advisory board member is absent or otherwise disqualified from participating in the advisory board meeting.

(3) (a) (i) Members of the advisory board appointed under Subsections (1)(b) and (2) are appointed for a term of four years.

(ii) No specific term applies to the executive director or the executive director's designee.

(b) The executive director may adjust the term of members who were appointed to the advisory board prior to July 1, 2001, by extending the unexpired term of a member for up to two additional years in order to insure that approximately half of the members are appointed every two years.

(c) In the event of a vacancy on the advisory board of a member appointed under Subsection (1)(b) or (2), the executive director with the concurrence of the governor, shall appoint an individual to complete the unexpired term of the member whose office is vacant.

(d) A member may not be appointed to more than two consecutive terms.

(4) (a) The executive director or the executive director's designee is the chair of the advisory board.

(b) The department shall keep a record of all hearings, proceedings, transactions, communications, and recommendations of the advisory board.

(5) (a) Four or more members of the advisory board constitute a quorum for the transaction of business.

(b) The action of a majority of a quorum present is considered the action of the advisory board.

(6) (a) A member of the advisory board may not participate as a board member in a proceeding or hearing:

(i) involving the member's licensed business or employer; or

2199 (ii) when a member, a member's business or family, or employer has a pecuniary
2200 interest in the outcome or other conflict of interest concerning an issue before the advisory
2201 board.

2202 (b) If a member of the advisory board is disqualified under Subsection (6)(a), the
2203 executive director shall select the appropriate alternate member to act on the issue before the
2204 advisory board as provided in Subsection (2).

2205 (7) Except for the executive director or the executive director's designee, an individual
2206 may not be appointed or serve on the advisory board while holding any other elective or
2207 appointive state or federal office.

2208 ~~[(8)(a)(i) A member of the advisory board who is not a government employee shall~~
2209 ~~receive no compensation or benefits for the member's services, but may receive per diem and~~
2210 ~~expenses incurred in the performance of the member's official duties at the rates established by~~
2211 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2212 ~~[(ii) A member may decline to receive per diem and expenses for the member's~~
2213 ~~services.]~~

2214 ~~[(b)(i) A state government officer and employee member who does not receive salary,~~
2215 ~~per diem, or expenses from the member's agency for the member's service may receive per~~
2216 ~~diem and expenses incurred in the performance of the member's official duties at the rates~~
2217 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2218 ~~[(ii) A state government officer and employee member may decline to receive per diem~~
2219 ~~and expenses for the member's service.]~~

2220 (8) A member may not receive compensation or benefits for the member's service, but
2221 may receive per diem and travel expenses in accordance with:

2222 (a) Section 63A-3-106;

2223 (b) Section 63A-3-107; and

2224 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2225 63A-3-107.

2226 (9) The department shall provide necessary staff support to the advisory board.

2227 Section 40. Section **13-35-103** is amended to read:

2228 **13-35-103. Utah Powersport Vehicle Franchise Advisory Board -- Creation --**

2229 **Appointment of members -- Alternate members -- Chair -- Quorum -- Conflict of interest.**

2230 (1) There is created within the department the Utah Powersport Vehicle Franchise
2231 Advisory Board that consists of:

2232 (a) the executive director or the executive director's designee; and

2233 (b) six members appointed by the executive director, with the concurrence of the
2234 governor, as follows:

2235 (i) three new powersport vehicle franchisees, one from each of the three congressional
2236 districts in the state; and

2237 (ii) (A) three members representing powersport vehicle franchisors registered by the
2238 department pursuant to Section 13-35-105;

2239 (B) three members of the general public, none of whom shall be related to any
2240 franchisee; or

2241 (C) three members consisting of any combination of these representatives under this
2242 Subsection (1)(b)(ii).

2243 (2) (a) The executive director shall also appoint, with the concurrence of the governor,
2244 three alternate members, with at least one alternate from each of the designations set forth in
2245 Subsections (1)(b)(i) and (1)(b)(ii), except that the new powersport vehicle franchisee alternate
2246 or alternates for the designation under Subsection (1)(b)(i) may be from any congressional
2247 district.

2248 (b) An alternate shall take the place of a regular advisory board member from the same
2249 designation at a meeting of the advisory board where that regular advisory board member is
2250 absent or otherwise disqualified from participating in the advisory board meeting.

2251 (3) (a) (i) Members of the advisory board appointed under Subsections (1)(b) and (2)
2252 shall be appointed for a term of four years.

2253 (ii) No specific term shall apply to the executive director or the executive director's
2254 designee.

2255 (b) The executive director may adjust the term of members who were appointed to the
2256 advisory board prior to July 1, 2002, by extending the unexpired term of a member for up to
2257 two additional years in order to insure that approximately half of the members are appointed
2258 every two years.

2259 (c) In the event of a vacancy on the advisory board of a member appointed under
2260 Subsection (1)(b) or (2), the executive director with the concurrence of the governor, shall

2261 appoint an individual to complete the unexpired term of the member whose office is vacant.

2262 (d) A member may not be appointed to more than two consecutive terms.

2263 (4) (a) The executive director or the executive director's designee shall be the chair of
2264 the advisory board.

2265 (b) The department shall keep a record of all hearings, proceedings, transactions,
2266 communications, and recommendations of the advisory board.

2267 (5) (a) Four or more members of the advisory board constitute a quorum for the
2268 transaction of business.

2269 (b) The action of a majority of a quorum present is considered the action of the
2270 advisory board.

2271 (6) (a) A member of the advisory board may not participate as a board member in a
2272 proceeding or hearing:

2273 (i) involving the member's business or employer; or

2274 (ii) when a member, a member's business, family, or employer has a pecuniary interest
2275 in the outcome or other conflict of interest concerning an issue before the advisory board.

2276 (b) If a member of the advisory board is disqualified under Subsection (6)(a), the
2277 executive director shall select the appropriate alternate member to act on the issue before the
2278 advisory board as provided in Subsection (2).

2279 (7) Except for the executive director or the executive director's designee, an individual
2280 may not be appointed or serve on the advisory board while holding any other elective or
2281 appointive state or federal office.

2282 ~~[(8) (a) (i) A member of the advisory board who is not a government employee shall~~
2283 ~~receive no compensation or benefits for the member's services, but may receive per diem and~~
2284 ~~expenses incurred in the performance of the member's official duties at the rates established by~~
2285 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2286 ~~[(ii) A member may decline to receive per diem and expenses for the member's~~
2287 ~~services.]~~

2288 ~~[(b) (i) A state government officer or employee member who does not receive salary,~~
2289 ~~per diem, or expenses from the member's agency for the member's service may receive per~~
2290 ~~diem and expenses incurred in the performance of the member's official duties at the rates~~
2291 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2292 ~~[(ii) A state government officer or employee member may decline to receive per diem~~
2293 ~~and expenses for the member's service.]~~

2294 (8) A member may not receive compensation or benefits for the member's service, but
2295 may receive per diem and travel expenses in accordance with:

2296 (a) Section 63A-3-106;

2297 (b) Section 63A-3-107; and

2298 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2299 63A-3-107.

2300 (9) The department shall provide necessary staff support to the advisory board.

2301 Section 41. Section **13-43-202** is amended to read:

2302 **13-43-202. Land Use and Eminent Domain Advisory Board -- Appointment --**
2303 **Compensation -- Duties.**

2304 (1) There is created the Land Use and Eminent Domain Advisory Board, within the
2305 Office of the Property Rights Ombudsman, consisting of the following seven members:

2306 (a) one individual representing special service districts, nominated by the Utah
2307 Association of Special Districts;

2308 (b) one individual representing municipal government, nominated by the Utah League
2309 of Cities and Towns;

2310 (c) one individual representing county government, nominated by the Utah Association
2311 of Counties;

2312 (d) one individual representing the residential construction industry, nominated by the
2313 Utah Home Builders Association;

2314 (e) one individual representing the real estate industry, nominated by the Utah
2315 Association of Realtors;

2316 (f) one individual representing the land development community, jointly nominated by
2317 the Utah Association of Realtors and the Home Builders Association of Utah; and

2318 (g) one individual who:

2319 (i) is a citizen with experience in land use issues;

2320 (ii) does not hold public office; and

2321 (iii) is not currently employed, nor has been employed in the previous twelve months,
2322 by any of the entities or industries listed in Subsections (1)(a) through (f).

2323 (2) After receiving nominations, the governor shall appoint members to the board.

2324 (3) The term of office of each member is four years, except that the governor shall
2325 appoint three of the members of the board to an initial two-year term.

2326 (4) Each mid-term vacancy shall be filled for the unexpired term in the same manner as
2327 an appointment under Subsections (1) and (2).

2328 (5) (a) Board members shall elect a chair from their number and establish rules for the
2329 organization and operation of the board.

2330 (b) Five members of the board constitute a quorum for the conduct of the board's
2331 business.

2332 (c) The affirmative vote of five members is required to constitute the decision of the
2333 board on any matter.

2334 ~~[(6)(a) No member may receive compensation or benefits for the member's service on~~
2335 ~~the board.]~~

2336 ~~[(b)(i) A member who is not a government officer or employee may be reimbursed for~~
2337 ~~reasonable expenses incurred in the performance of the member's official duties at the rates~~
2338 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2339 ~~[(ii) A member who is a government officer or employee and who does not receive~~
2340 ~~expenses from the member's agency may be reimbursed for reasonable expenses incurred in the~~
2341 ~~performance of the member's official duties at the rates established by the Division of Finance~~
2342 ~~under Sections 63A-3-106 and 63A-3-107.]~~

2343 ~~[(c) A member may decline to be reimbursed for reasonable expenses incurred in the~~
2344 ~~performance of the member's official duties.]~~

2345 (6) A member may not receive compensation or benefits for the member's service, but
2346 may receive per diem and travel expenses in accordance with:

2347 (a) Section 63A-3-106;

2348 (b) Section 63A-3-107; and

2349 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2350 63A-3-107.

2351 ~~[(d)]~~ (7) A member need not give a bond for the performance of official duties.

2352 ~~[(7)]~~ (8) The Office of the Property Rights Ombudsman shall provide staff to the
2353 board.

2354 ~~[(8)]~~ (9) The board shall:

2355 (a) receive reports from the Office of the Property Rights Ombudsman that are
2356 requested by the board;

2357 (b) establish rules of conduct and performance for the Office of the Property Rights
2358 Ombudsman;

2359 (c) receive donations or contributions from any source for the Office of the Property
2360 Rights Ombudsman's benefit;

2361 (d) subject to any restriction placed on a donation or contribution received under
2362 Subsection ~~[(8)]~~ (9)(c), authorize the expenditure of donations or contributions for the Office
2363 of the Property Rights Ombudsman's benefit;

2364 (e) receive budget recommendations from the Office of the Property Rights
2365 Ombudsman; and

2366 (f) revise budget recommendations received under Subsection ~~[(8)]~~ (9)(e).

2367 ~~[(9)]~~ (10) The board shall maintain a resource list of qualified arbitrators and mediators
2368 who may be appointed under Section 13-43-204 and qualified persons who may be appointed
2369 to render advisory opinions under Section 13-43-205.

2370 Section 42. Section **17-36-5** is amended to read:

2371 **17-36-5. Creation of Citizens and County Officials Advisory Committee.**

2372 (1) For the purpose of this act there is created a Citizens and County Officials Advisory
2373 Committee appointed by the state auditor composed of the following persons:

2374 (a) five county auditors elected to that specific and exclusive position;

2375 (b) five county treasurers elected to that specific and exclusive position;

2376 (c) two citizens with expertise in the area of local government and the needs and
2377 problems of such government;

2378 (d) four additional elected county officers, one of whom shall be from the five largest
2379 counties in the state and one of whom shall be from the five smallest counties in the state; and

2380 (e) such other members as the auditor considers appropriate.

2381 (2) (a) Except as required by Subsection (2)(b), the terms of committee members shall
2382 be four years each.

2383 (b) Notwithstanding the requirements of Subsection (2)(a), the state auditor shall, at the
2384 time of appointment or reappointment, adjust the length of terms to ensure that the terms of

2385 committee members are staggered so that approximately half of the committee is appointed
2386 every two years.

2387 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
2388 appointed for the unexpired term.

2389 ~~[(4) (a) (i) Members who are not government employees shall receive no compensation~~
2390 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
2391 ~~performance of the member's official duties at the rates established by the Division of Finance~~
2392 ~~under Sections 63A-3-106 and 63A-3-107.]~~

2393 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

2394 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~
2395 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
2396 ~~incurred in the performance of their official duties from the committee at the rates established~~
2397 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2398 ~~[(ii) State government officer and employee members may decline to receive per diem~~
2399 ~~and expenses for their service.]~~

2400 ~~[(c) (i) Local government members who do not receive salary, per diem, or expenses~~
2401 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
2402 ~~in the performance of their official duties at the rates established by the Division of Finance~~
2403 ~~under Sections 63A-3-106 and 63A-3-107.]~~

2404 ~~[(ii) Local government members may decline to receive per diem and expenses for~~
2405 ~~their service.]~~

2406 (4) A member may not receive compensation or benefits for the member's service, but
2407 may receive per diem and travel expenses in accordance with:

2408 (a) Section 63A-3-106;

2409 (b) Section 63A-3-107; and

2410 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2411 63A-3-107.

2412 (5) The advisory committee shall assist, advise, and make recommendations to the
2413 state auditor in the preparation of a uniform system of county budgeting, accounting, and
2414 reporting.

2415 Section 43. Section **17B-1-307** is amended to read:

17B-1-307. Annual compensation -- Per diem compensation -- Participation in group insurance plan -- Reimbursement of expenses.

(1) (a) Except as provided in Subsection 17B-1-308(1)(e), a member of a board of trustees may receive compensation for service on the board, as determined by the board of trustees.

(b) The amount of compensation under this Subsection (1) may not exceed \$5,000 per year.

(c) (i) As determined by the board of trustees, a member of the board of trustees may participate in a group insurance plan provided to employees of the local district on the same basis as employees of the local district.

(ii) The amount that the local district pays to provide a member with coverage under a group insurance plan shall be included as part of the member's compensation for purposes of Subsection (1)(b).

~~[(2) (a) As determined by the board of trustees, a member of a board of trustees may receive per diem compensation, in addition to the compensation provided in Subsection (1), for attendance at up to 12 meetings or activities per year related to any district business.]~~

~~[(b) The amount of per diem compensation under Subsection (2)(a) shall be as established by the Division of Finance for policy boards, advisory boards, councils, or committees within state government.]~~

~~[(3) In addition to any compensation a member receives under this section, each member of a board of trustees shall be reimbursed by the local district for all actual and necessary expenses incurred in attending board meetings and in performing the member's official duties.]~~

(2) In addition to the compensation provided under Subsection (1), the board of trustees may elect to allow a member to receive per diem and travel expenses for up to 12 meetings or activities per year in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 44. Section **19-2-103** is amended to read:

19-2-103. Members of board -- Appointment -- Terms -- Organization -- Per diem and expenses.

(1) The board comprises 11 members, one of whom shall be the executive director and ten of whom shall be appointed by the governor with the consent of the Senate.

(2) The members shall be knowledgeable of air pollution matters and shall be:

(a) a practicing physician and surgeon licensed in the state not connected with industry;

(b) a registered professional engineer who is not from industry;

(c) a representative from municipal government;

(d) a representative from county government;

(e) a representative from agriculture;

(f) a representative from the mining industry;

(g) a representative from manufacturing;

(h) a representative from the fuel industry; and

(i) two representatives of the public not representing or connected with industry, at least one of whom represents organized environmental interests.

(3) No more than five of the appointed members shall belong to the same political party.

(4) The majority of the members may not derive any significant portion of their income from persons subject to permits or orders under this chapter. Any potential conflict of interest of any member or the executive secretary, relevant to the interests of the board, shall be adequately disclosed.

(5) Members serving on the Air Conservation Committee created by Laws of Utah 1981, Chapter 126, as amended, shall serve as members of the board throughout the terms for which they were appointed.

(6) (a) Except as required by Subsection (6)(b), members shall be appointed for a term of four years.

(b) Notwithstanding the requirements of Subsection (6)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(7) A member may serve more than one term.

2478 (8) A member shall hold office until the expiration of the member's term and until the
2479 member's successor is appointed, but not more than 90 days after the expiration of the
2480 member's term.

2481 (9) When a vacancy occurs in the membership for any reason, the replacement shall be
2482 appointed for the unexpired term.

2483 (10) The board shall elect annually a chair and a vice chair from its members.

2484 (11) (a) The board shall meet at least quarterly, and special meetings may be called by
2485 the chair upon his own initiative, upon the request of the executive secretary, or upon the
2486 request of three members of the board.

2487 (b) Three days' notice shall be given to each member of the board prior to any meeting.

2488 (12) Six members constitute a quorum at any meeting, and the action of a majority of
2489 members present is the action of the board.

2490 ~~[(13)(a)(i) A member who is not a government employee shall receive no~~
2491 ~~compensation or benefits for the member's services, but may receive per diem and expenses~~
2492 ~~incurred in the performance of the member's official duties at the rates established by the~~
2493 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2494 ~~[(ii) A member may decline to receive per diem and expenses for the member's~~
2495 ~~service.]~~

2496 ~~[(b)(i) A state government officer and employee member who does not receive salary,~~
2497 ~~per diem, or expenses from the agency the member represents for the member's service may~~
2498 ~~receive per diem and expenses incurred in the performance of the member's official duties from~~
2499 ~~the board at the rates established by the Division of Finance under Sections 63A-3-106 and~~
2500 ~~63A-3-107.]~~

2501 ~~[(ii) A state government officer and employee member may decline to receive per diem~~
2502 ~~and expenses for the member's service.]~~

2503 ~~[(c)(i) A local government member who does not receive salary, per diem, or expenses~~
2504 ~~from the entity that the member represents for the member's service may receive per diem and~~
2505 ~~expenses incurred in the performance of the member's official duties at the rates established by~~
2506 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2507 ~~[(ii) A local government member may decline to receive per diem and expenses for the~~
2508 ~~member's service.]~~

2509 (13) A member may not receive compensation or benefits for the member's service, but
2510 may receive per diem and travel expenses in accordance with:

2511 (a) Section 63A-3-106;

2512 (b) Section 63A-3-107; and

2513 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2514 63A-3-107.

2515 Section 45. Section **19-2-109.2** is amended to read:

2516 **19-2-109.2. Small business assistance program.**

2517 (1) The board shall establish a small business stationary source technical and
2518 environmental compliance assistance program that conforms with Title V of the 1990 Clean
2519 Air Act to assist small businesses to comply with state and federal air pollution laws.

2520 (2) There is created the Compliance Advisory Panel to advise and monitor the program
2521 created in Subsection (1). The seven panel members are:

2522 (a) two members who are not owners or representatives of owners of small business
2523 stationary air pollution sources, selected by the governor to represent the general public;

2524 (b) four members who are owners or who represent owners of small business stationary
2525 sources selected by leadership of the Utah Legislature as follows:

2526 (i) one member selected by the majority leader of the Senate;

2527 (ii) one member selected by the minority leader of the Senate;

2528 (iii) one member selected by the majority leader of the House of Representatives; and

2529 (iv) one member selected by the minority leader of the House of Representatives; and

2530 (c) one member selected by the executive director to represent the Division of Air
2531 Quality, Department of Environmental Quality.

2532 (3) (a) Except as required by Subsection (3)(b), as terms of current panel members
2533 expire, the department shall appoint each new member or reappointed member to a four-year
2534 term.

2535 (b) Notwithstanding the requirements of Subsection (3)(a), the department shall, at the
2536 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
2537 panel members are staggered so that approximately half of the panel is appointed every two
2538 years.

2539 (4) Members may serve more than one term.

(5) Members shall hold office until the expiration of their terms and until their successors are appointed, but not more than 90 days after the expiration of their terms.

(6) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(7) Every two years, the panel shall elect a chair from its members.

(8) (a) The panel shall meet as necessary to carry out its duties. Meetings may be called by the chair, the executive secretary, or upon written request of three of the members of the panel.

(b) Three days' notice shall be given to each member of the panel prior to a meeting.

(9) Four members constitute a quorum at any meeting, and the action of the majority of members present is the action of the panel.

~~[(10) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

~~[(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the panel at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

~~[(c) Legislators on the committee shall receive compensation and expenses as provided by law and legislative rule.]~~

(10) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 46. Section **19-3-103** is amended to read:

19-3-103. Radiation Control Board -- Members -- Organization -- Meetings -- Per diem and expenses.

(1) The board created under Section 19-1-106 comprises 13 members, one of whom shall be the executive director, or his designee, and the remainder of whom shall be appointed by the governor with the consent of the Senate.

(2) No more than six appointed members shall be from the same political party.

(3) The appointed members shall be knowledgeable about radiation protection and shall be as follows:

(a) one physician;

(b) one dentist;

(c) one health physicist or other professional employed in the field of radiation safety;

(d) three representatives of regulated industry, at least one of whom represents the radioactive waste management industry, and at least one of whom represents the uranium milling industry;

(e) one registrant or licensee representative from academia;

(f) one representative of a local health department;

(g) one elected county official; and

(h) three members of the general public, at least one of whom represents organized environmental interests.

(4) (a) Except as required by Subsection (4)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(5) Each board member is eligible for reappointment to more than one term.

(6) Each board member shall continue in office until the expiration of his term and until a successor is appointed, but not more than 90 days after the expiration of his term.

(7) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term by the governor, after considering recommendations by the

2602 department and with the consent of the Senate.

2603 (8) The board shall annually elect a chair and vice chair from its members.

2604 (9) The board shall meet at least quarterly. Other meetings may be called by the chair,
2605 by the executive secretary, or upon the request of three members of the board.

2606 (10) Reasonable notice shall be given each member of the board prior to any meeting.

2607 (11) Seven members constitute a quorum. The action of a majority of the members
2608 present is the action of the board.

2609 ~~[(12)(a)(i) Members who are not government employees receive no compensation or~~
2610 ~~benefits for their services, but may receive per diem and expenses incurred in the performance~~
2611 ~~of the member's official duties at the rates established by the Division of Finance under~~
2612 ~~Sections 63A-3-106 and 63A-3-107.]~~

2613 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

2614 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
2615 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
2616 ~~incurred in the performance of their official duties from the board at the rates established by the~~
2617 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2618 ~~[(ii) State government officer and employee members may decline to receive per diem~~
2619 ~~and expenses for their service.]~~

2620 ~~[(c)(i) Local government members who do not receive salary, per diem, or expenses~~
2621 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
2622 ~~in the performance of their official duties at the rates established by the Division of Finance~~
2623 ~~under Sections 63A-3-106 and 63A-3-107.]~~

2624 ~~[(ii) Local government members may decline to receive per diem and expenses for~~
2625 ~~their service.]~~

2626 (12) A member may not receive compensation or benefits for the member's service, but
2627 may receive per diem and travel expenses in accordance with:

2628 (a) Section 63A-3-106;

2629 (b) Section 63A-3-107; and

2630 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2631 63A-3-107.

2632 Section 47. Section **19-4-103** is amended to read:

19-4-103. Drinking Water Board -- Members -- Organization -- Meetings -- Per diem and expenses.

(1) The board created under Section 19-1-106 comprises 11 members, one of whom is the executive director and the remainder of whom shall be appointed by the governor with the consent of the Senate.

(2) No more than five appointed members shall be from the same political party.

(3) The appointed members shall be knowledgeable about drinking water and public water systems and shall represent different geographical areas within the state insofar as practicable.

(4) The ten appointed members shall be appointed from the following areas:

(a) two elected officials of municipal government or their representatives involved in management or operation of public water systems;

(b) two representatives of improvement districts, water conservancy districts, or metropolitan water districts;

(c) one representative from an industry which manages or operates a public water system;

(d) one registered professional engineer with expertise in civil or sanitary engineering;

(e) one representative from the state water research community or from an institution of higher education which has comparable expertise in water research;

(f) two representatives of the public who do not represent other interests named in this section and who do not receive, and have not received during the past two years, a significant portion of their income, directly or indirectly, from suppliers; and

(g) one representative from a local health department.

(5) (a) Members of the Utah Safe Drinking Water Committee created by Laws of Utah 1981, Chapter 126, shall serve as members of the board throughout the terms for which they were appointed.

(b) Except as required by Subsection (5)(c), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(c) Notwithstanding the requirements of Subsection (5)(b), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two

2664 years.

2665 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
2666 appointed for the unexpired term.

2667 (7) Each member holds office until the expiration of the member's term, and until a
2668 successor is appointed, but not for more than 90 days after the expiration of the term.

2669 (8) The board shall elect annually a chair and a vice chair from its members.

2670 (9) (a) The board shall meet at least quarterly.

2671 (b) Special meetings may be called by the chair upon his own initiative, upon the
2672 request of the executive secretary, or upon the request of three members of the board.

2673 (c) Reasonable notice shall be given each member of the board prior to any meeting.

2674 (10) Six members constitute a quorum at any meeting and the action of the majority of
2675 the members present is the action of the board.

2676 ~~[(11)(a)(i) A member who is not a government employee shall receive no~~
2677 ~~compensation or benefits for the member's services, but may receive per diem and expenses~~
2678 ~~incurred in the performance of the member's official duties at the rates established by the~~
2679 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2680 ~~[(ii) A member may decline to receive per diem and expenses for the member's~~
2681 ~~service.]~~

2682 ~~[(b)(i) A state government officer and employee member who does not receive salary,~~
2683 ~~per diem, or expenses from the agency the member represents for the member's service may~~
2684 ~~receive per diem and expenses incurred in the performance of the member's official duties from~~
2685 ~~the board at the rates established by the Division of Finance under Sections 63A-3-106 and~~
2686 ~~63A-3-107.]~~

2687 ~~[(ii) A state government officer and employee member may decline to receive per diem~~
2688 ~~and expenses for the member's service.]~~

2689 ~~[(c)(i) A local government member who does not receive salary, per diem, or expenses~~
2690 ~~from the entity that the member represents for the member's service may receive per diem and~~
2691 ~~expenses incurred in the performance of the member's official duties at the rates established by~~
2692 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2693 ~~[(ii) A local government member may decline to receive per diem and expenses for the~~
2694 ~~member's service.]~~

2695 (11) A member may not receive compensation or benefits for the member's service, but
2696 may receive per diem and travel expenses in accordance with:

2697 (a) Section 63A-3-106;

2698 (b) Section 63A-3-107; and

2699 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2700 63A-3-107.

2701 Section 48. Section **19-5-103** is amended to read:

2702 **19-5-103. Water Quality Board -- Members of board -- Appointment -- Terms --**
2703 **Organization -- Meetings -- Per diem and expenses.**

2704 (1) The board comprises the executive director and 11 members appointed by the
2705 governor with the consent of the Senate.

2706 (2) No more than six of the appointed members may be from the same political party.

2707 (3) The appointed members, insofar as practicable, shall include the following:

2708 (a) one member representing the mineral industry;

2709 (b) one member representing the food processing industry;

2710 (c) one member representing another manufacturing industry;

2711 (d) two members who are officials of a municipal government or the officials'
2712 representative involved in the management or operation of a wastewater treatment facility;

2713 (e) one member representing agricultural and livestock interests;

2714 (f) one member representing fish, wildlife, and recreation interests;

2715 (g) one member representing an improvement or special service district;

2716 (h) two members at large, one of whom represents organized environmental interests,
2717 selected with due consideration of the areas of the state affected by water pollution and not
2718 representing other interests named in this Subsection (3); and

2719 (i) one member representing a local health department.

2720 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
2721 appointed for the unexpired term with the consent of the Senate.

2722 (5) (a) Except as required by Subsection (5)(b), a member shall be appointed for a term
2723 of four years and is eligible for reappointment.

2724 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
2725 time of appointment or reappointment, adjust the length of terms to ensure that the terms of

board members are staggered so that approximately half of the board is appointed every two years.

(6) A member shall hold office until the expiration of the member's term and until the member's successor is appointed, not to exceed 90 days after the formal expiration of the term.

(7) The board shall:

(a) organize and annually select one of its members as chair and one of its members as vice chair;

(b) hold at least four regular meetings each calendar year; and

(c) keep minutes of its proceedings which are open to the public for inspection.

(8) The chair may call a special meeting upon the request of three or more members of the board.

(9) Each member of the board and the executive secretary shall be notified of the time and place of each meeting.

(10) Seven members of the board constitute a quorum for the transaction of business, and the action of a majority of members present is the action of the board.

~~[(11) (a) A member who is not a government employee may not receive compensation or benefits for the member's service, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(b) A member may decline to receive per diem and expenses for the member's service.]~~

~~[(c) A local government member who does not receive salary, per diem, or expenses from the entity that the member represents for the member's service may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(d) A local government member may decline to receive per diem and expenses for the member's service.]~~

(11) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

2757 63A-3-107.

2758 Section 49. Section **19-6-103** is amended to read:

2759 **19-6-103. Solid and Hazardous Waste Control Board -- Members -- Terms --**
2760 **Organization -- Meetings -- Per diem and expenses.**

2761 (1) The Solid and Hazardous Waste Control Board created by Section 19-1-106
2762 comprises the executive director and 12 members appointed by the governor with the consent
2763 of the Senate.

2764 (2) The appointed members shall be knowledgeable about solid and hazardous waste
2765 matters and consist of:

2766 (a) one representative of municipal government;

2767 (b) one representative of county government;

2768 (c) one representative of the manufacturing or fuel industry;

2769 (d) one representative of the mining industry;

2770 (e) one representative of the private solid waste disposal or solid waste recovery
2771 industry;

2772 (f) one registered professional engineer;

2773 (g) one representative of a local health department;

2774 (h) one representative of the hazardous waste disposal industry; and

2775 (i) four representatives of the public, at least one of whom is a representative of
2776 organized environmental interests.

2777 (3) Not more than six of the appointed members may be from the same political party.

2778 (4) (a) Except as required by Subsection (4)(b), members shall be appointed for terms
2779 of four years each.

2780 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
2781 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
2782 board members are staggered so that approximately half of the board is appointed every two
2783 years.

2784 (5) Each member is eligible for reappointment.

2785 (6) Board members shall continue in office until the expiration of their terms and until
2786 their successors are appointed, but not more than 90 days after the expiration of their terms.

2787 (7) When a vacancy occurs in the membership for any reason, the replacement shall be

2788 appointed for the unexpired term by the governor, after considering recommendations of the
2789 board and with the consent of the Senate.

2790 (8) The board shall elect a chair and vice chair on or before April 1 of each year from
2791 its membership.

2792 ~~[(9)(a)(i) Members who are not government employees shall receive no compensation~~
2793 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
2794 ~~performance of the member's official duties at the rates established by the Division of Finance~~
2795 ~~under Sections 63A-3-106 and 63A-3-107.]~~

2796 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

2797 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
2798 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
2799 ~~incurred in the performance of their official duties from the board at the rates established by the~~
2800 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2801 ~~[(ii) State government officer and employee members may decline to receive per diem~~
2802 ~~and expenses for their service.]~~

2803 ~~[(c) Legislators on the committee shall receive compensation and expenses as provided~~
2804 ~~by law and legislative rule.]~~

2805 (9) A member may not receive compensation or benefits for the member's service, but
2806 may receive per diem and travel expenses in accordance with:

2807 (a) Section 63A-3-106;

2808 (b) Section 63A-3-107; and

2809 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2810 63A-3-107.

2811 (10) (a) The board shall hold a meeting at least once every three months including one
2812 meeting during each annual general session of the Legislature.

2813 (b) Meetings shall be held on the call of the chair, the executive secretary, or any three
2814 of the members.

2815 (11) Seven members constitute a quorum at any meeting, and the action of the majority
2816 of members present is the action of the board.

2817 Section 50. Section **19-9-104** is amended to read:

2818 **19-9-104. Creation of authority -- Members.**

(1) (a) The authority comprises ten members. If the requirements of Section 19-9-103 are met, the governor shall, with the consent of the Senate, appoint six members of the authority from the public-at-large.

(b) The remaining four members of the authority are:

(i) the executive director of the Department of Environmental Quality;

(ii) the director of the Governor's Office of Economic Development or the director's designee;

(iii) the executive director of the Department of Natural Resources; and

(iv) the executive director of the Department of Transportation.

(2) Public-at-large members, no more than three of whom shall be from the same political party, shall be appointed to six-year terms of office, subject to removal by the governor with or without cause.

(3) The governor shall name one public-at-large member as chairman of the authority responsible for the call and conduct of authority meetings.

(4) The authority may elect other officers as necessary.

(5) Five members of the authority present at a properly noticed meeting constitute a quorum for the transaction of official authority business.

~~[(6) Public-at-large members are entitled to per diem and expenses for each day devoted to authority business at the rates established by the director of the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

(6) A public-at-large member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 51. Section **20A-5-402.7** is amended to read:

20A-5-402.7. Voting Equipment Selection Committee.

(1) As used in this section, "new voting equipment system" means voting equipment that is operated in a materially different way or that functions in a materially different way than the equipment being replaced.

(2) Before selecting or purchasing a new voting equipment system after January 1, 2007, the lieutenant governor shall:

(a) appoint a Voting Equipment Selection Committee; and

(b) ensure that the committee includes persons having experience in:

(i) election procedures and administration;

(ii) computer technology;

(iii) data security;

(iv) auditing; and

(v) access for persons with disabilities.

~~[(3) (a) (i) A member of the committee who is not a government employee shall receive no compensation or benefits for the member's services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) A member may decline to receive per diem and expenses for the member's services.]~~

~~[(b) (i) A state government officer or employee member who does not receive salary, per diem, or expenses from the member's agency for the member's service may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) A state government officer or employee member may decline to receive per diem for the member's service.]~~

(3) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(4) The lieutenant governor shall select a chair from the committee membership.

(5) The lieutenant governor may fill any vacancies that occur on the committee.

(6) The lieutenant governor's office shall provide staffing for the committee.

(7) The Voting Equipment Selection Committee shall:

(a) evaluate new voting equipment systems proposed for purchase by the state; and
(b) provide information and recommendations to assist the lieutenant governor with the purchase of new voting equipment systems.

(8) The lieutenant governor may designate individuals, including committee members, to inspect and review proprietary software as part of an evaluation of new voting equipment systems under consideration for purchase.

(9) Before making any selection or purchase, the lieutenant governor shall provide for a period of public review and comment on new voting equipment systems under consideration for purchase by the state.

Section 52. Section **23-14-2** is amended to read:

23-14-2. Wildlife Board -- Creation -- Membership -- Terms -- Quorum -- Meetings -- Per diem and expenses.

(1) There is created a Wildlife Board which shall consist of seven members appointed by the governor with the consent of the Senate.

(2) (a) In addition to the requirements of Section 79-2-203, the members of the board shall have expertise or experience in at least one of the following areas:

- (i) wildlife management or biology;
- (ii) habitat management, including range or aquatic;
- (iii) business, including knowledge of private land issues; and
- (iv) economics, including knowledge of recreational wildlife uses.

(b) Each of the areas of expertise under Subsection (2)(a) shall be represented by at least one member of the Wildlife Board.

(3) (a) The governor shall select each board member from a list of nominees submitted by the nominating committee pursuant to Section 23-14-2.5.

(b) No more than two members shall be from a single wildlife region described in Subsection 23-14-2.6(1).

(c) The governor may request an additional list of at least two nominees from the nominating committee if the initial list of nominees for a given position is unacceptable.

(d) (i) If the governor fails to appoint a board member within 60 days after receipt of the initial or additional list, the nominating committee shall make an interim appointment by majority vote.

(ii) The interim board member shall serve until the matter is resolved by the committee and the governor or until the board member is replaced pursuant to this chapter.

(4) (a) Except as required by Subsection (4)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a six-year term.

(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that:

(i) the terms of board members are staggered so that approximately 1/3 of the board is appointed every two years; and

(ii) members serving from the same region have staggered terms.

(c) If a vacancy occurs, the nominating committee shall submit two names, as provided in Subsection 23-14-2.5(4), to the governor and the governor shall appoint a replacement for the unexpired term.

(d) Board members may serve only one term unless:

(i) the member is among the first board members appointed to serve four years or less;

or

(ii) the member filled a vacancy under Subsection (4)(c) for four years or less.

(5) (a) The board shall elect a chair and a vice chair from its membership.

(b) Four members of the board shall constitute a quorum.

(c) The director of the Division of Wildlife Resources shall act as secretary to the board but shall not be a voting member of the board.

(6) (a) The Wildlife Board shall hold a sufficient number of public meetings each year to expeditiously conduct its business.

(b) Meetings may be called by the chair upon five days notice or upon shorter notice in emergency situations.

(c) Meetings may be held at the Salt Lake City office of the Division of Wildlife Resources or elsewhere as determined by the Wildlife Board.

~~[(7) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

~~[(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

(7) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(8) (a) The members of the Wildlife Board shall complete an orientation course to assist them in the performance of the duties of their office.

(b) The Department of Natural Resources shall provide the course required under Subsection (8)(a).

Section 53. Section **23-14-2.6** is amended to read:

23-14-2.6. Regional advisory councils -- Creation -- Membership -- Duties -- Per diem and expenses.

(1) There are created five regional advisory councils which shall consist of 12 to 15 members each from the wildlife region whose boundaries are established for administrative purposes by the division.

(2) The members shall include individuals who represent the following groups and interests:

(a) agriculture;

(b) sportsmen;

(c) nonconsumptive wildlife;

(d) locally elected public officials;

(e) federal land agencies; and

(f) the public at large.

(3) The executive director of the Department of Natural Resources, in consultation

with the director of the Division of Wildlife Resources, shall select the members from a list of nominees submitted by the respective interest group or agency.

(4) The councils shall:

(a) hear broad input, including recommendations, biological data, and information regarding the effects of wildlife;

(b) gather information from staff, the public, and government agencies; and

(c) make recommendations to the Wildlife Board in an advisory capacity.

(5) (a) Except as required by Subsection (5)(b), each member shall serve a four-year term.

(b) Notwithstanding the requirements of Subsection (5)(a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.

(6) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(7) The councils shall determine:

(a) the time and place of meetings; and

(b) any other procedural matter not specified in this chapter.

(8) Members of the councils shall complete an orientation course as provided in Subsection 23-14-2(8).

~~[(9)(a)(i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

~~[(b)(i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the council at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

3005 ~~[(c) (i) Local government members who do not receive salary, per diem, or expenses~~
3006 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
3007 ~~in the performance of their official duties at the rates established by the Division of Finance~~
3008 ~~under Sections 63A-3-106 and 63A-3-107.]~~

3009 ~~[(ii) Local government members may decline to receive per diem and expenses for~~
3010 ~~their service.]~~

3011 (9) A member may not receive compensation or benefits for the member's service, but
3012 may receive per diem and travel expenses in accordance with:

3013 (a) Section 63A-3-106;

3014 (b) Section 63A-3-107; and

3015 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3016 63A-3-107.

3017 Section 54. Section **26-1-7.5** is amended to read:

3018 **26-1-7.5. Health advisory council.**

3019 (1) (a) There is created the Utah Health Advisory Council, comprised of nine persons
3020 appointed by the governor.

3021 (b) The governor shall ensure that:

3022 (i) members of the council:

3023 (A) broadly represent the public interest;

3024 (B) have an interest in or knowledge of public health, environmental health, health
3025 planning, health care financing, or health care delivery systems; and

3026 (C) include health professionals;

3027 (ii) the majority of the membership are nonhealth professionals;

3028 (iii) no more than five persons are from the same political party; and

3029 (iv) geography, sex, and ethnicity balance are considered when selecting the members.

3030 (2) (a) Except as required by Subsection (2)(b), members of the council shall be
3031 appointed to four-year terms.

3032 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
3033 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
3034 council members are staggered so that approximately half of the council is appointed every two
3035 years.

(c) Terms of office for subsequent appointments shall commence on July 1 of the year in which the appointment occurs.

(3) (a) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(b) No person shall be appointed to the council for more than two consecutive terms.

(c) The chair of the council shall be appointed by the governor from the membership of the council.

(4) The council shall meet at least quarterly or more frequently as determined necessary by the chair. A quorum for conducting business shall consist of four members of the council.

~~[(5) (a) Members shall receive no compensation or benefits for their services, but may, at the executive director's discretion, receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(b) Members may decline to receive per diem and expenses for their service.]~~

(5) A member may not receive compensation or benefits for the member's service, but, at the executive director's discretion, may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(6) The council shall be empowered to advise the department on any subject deemed to be appropriate by the council except that the council shall not become involved in administrative matters. The council shall also advise the department as requested by the executive director.

(7) The executive director shall ensure that the council has adequate staff support and shall provide any available information requested by the council necessary for their deliberations. The council shall observe confidential requirements placed on the department in the use of such information.

Section 55. Section **26-8a-103** is amended to read:

26-8a-103. State Emergency Medical Services Committee -- Membership --

3067 **Report -- Expenses.**

3068 (1) The State Emergency Medical Services Committee created by Section 26-1-7 shall
3069 be composed of the following 16 members appointed by the governor, at least five of whom
3070 must reside in a county of the third, fourth, fifth, or sixth class:

3071 (a) five physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
3072 Chapter 68, Utah Osteopathic Medical Practice Act, as follows:

3073 (i) one surgeon who actively provides trauma care at a hospital;

3074 (ii) one rural physician involved in emergency medical care;

3075 (iii) two physicians who practice in the emergency department of a general acute
3076 hospital; and

3077 (iv) one pediatrician who practices in the emergency department or critical care unit of
3078 a general acute hospital or a children's specialty hospital;

3079 (b) one representative from a private ambulance provider;

3080 (c) one representative from an ambulance provider that is neither privately owned nor
3081 operated by a fire department;

3082 (d) two chief officers from fire agencies operated by the following classes of licensed
3083 or designated emergency medical services providers: municipality, county, and fire district,
3084 provided that no class of medical services providers may have more than one representative
3085 under this Subsection (1)(d);

3086 (e) one director of a law enforcement agency that provides emergency medical
3087 services;

3088 (f) one hospital administrator;

3089 (g) one emergency care nurse;

3090 (h) one paramedic in active field practice;

3091 (i) one emergency medical technician in active field practice;

3092 (j) one certified emergency medical dispatcher affiliated with an emergency medical
3093 dispatch center; and

3094 (k) one consumer.

3095 (2) (a) Except as provided in Subsection (2)(b), members shall be appointed to a
3096 four-year term beginning July 1.

3097 (b) Notwithstanding Subsection (2)(a), the governor shall, at the time of appointment

or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

(c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed by the governor for the unexpired term.

(3) (a) Each January, the committee shall organize and select one of its members as chair and one member as vice chair. The committee may organize standing or ad hoc subcommittees, which shall operate in accordance with guidelines established by the committee.

(b) The chair shall convene a minimum of four meetings per year. The chair may call special meetings. The chair shall call a meeting upon request of five or more members of the committee.

(c) Nine members of the committee constitute a quorum for the transaction of business and the action of a majority of the members present is the action of the committee.

(4) The committee shall submit a report in a form acceptable to the committee each November at the Law Enforcement and Criminal Justice Interim Committee meeting concerning its:

- (a) funding priorities and recommended sources;
- (b) closest responder recommendations;
- (c) centralized dispatch;
- (d) duplication of services and any taxing consequences;
- (e) appropriate providers for emergency medical services; and
- (f) recommendations and suggested legislation.

~~[(5) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(b) Members may decline to receive per diem and expenses for their service.]~~

(5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (a) Section 63A-3-106;
- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

3129 63A-3-107.

3130 (6) Administrative services for the committee shall be provided by the department.

3131 Section 56. Section **26-9f-103** is amended to read:

3132 **26-9f-103. Utah Digital Health Service Commission.**

3133 (1) There is created within the department the Utah Digital Health Service

3134 Commission.

3135 (2) The governor shall appoint 12 members to the commission with the consent of the
3136 Senate, as follows:

3137 (a) a physician who is involved in digital health service;

3138 (b) a representative of a licensed health care facility or system as defined in Section
3139 26-21-2;

3140 (c) a representative of rural Utah, which may be a person nominated by an advisory
3141 committee on rural health issues created pursuant to Section 26-1-20;

3142 (d) a member of the public who is not involved with digital health service;

3143 (e) a nurse who is involved in digital health service; and

3144 (f) seven members who fall into one or more of the following categories:

3145 (i) individuals who use digital health service in a public or private institution;

3146 (ii) individuals who use digital health service in serving medically underserved
3147 populations;

3148 (iii) nonphysician health care providers involved in digital health service;

3149 (iv) information technology professionals involved in digital health service;

3150 (v) representatives of the health insurance industry; and

3151 (vi) telehealth digital health service consumer advocates.

3152 (3) (a) The commission shall annually elect a chairperson from its membership. The
3153 chairperson shall report to the executive director of the department.

3154 (b) The commission shall hold meetings at least once every three months. Meetings
3155 may be held from time to time on the call of the chair or a majority of the board members.

3156 (c) Six commission members are necessary to constitute a quorum at any meeting and,
3157 if a quorum exists, the action of a majority of members present shall be the action of the
3158 commission.

3159 (4) (a) Except as provided in Subsection (4)(b), a commission member shall be

3160 appointed for a three-year term and eligible for two reappointments.

3161 (b) Notwithstanding Subsection (4)(a), the governor shall, at the time of appointment
3162 or reappointment, adjust the length of terms to ensure that the terms of commission members
3163 are staggered so that approximately 1/3 of the commission is appointed each year.

3164 (c) A commission member shall continue in office until the expiration of the member's
3165 term and until a successor is appointed, which may not exceed 90 days after the formal
3166 expiration of the term.

3167 (d) Notwithstanding Subsection (4)(c), a commission member who fails to attend 75%
3168 of the scheduled meetings in a calendar year shall be disqualified from serving.

3169 (e) When a vacancy occurs in membership for any reason, the replacement shall be
3170 appointed for the unexpired term.

3171 ~~[(5)(a) Board members who are not government employees may not receive~~
3172 ~~compensation or benefits for the services, but may, at the executive director's discretion,~~
3173 ~~receive per diem and expenses incurred in the performance of their official duties at rates~~
3174 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3175 ~~[(b) A commission member may decline to receive per diem and expenses for service~~
3176 ~~to the commission.]~~

3177 (5) A member may not receive compensation or benefits for the member's service, but,
3178 at the executive director's discretion, may receive per diem and travel expenses in accordance
3179 with:

3180 (a) Section 63A-3-106;

3181 (b) Section 63A-3-107; and

3182 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3183 63A-3-107.

3184 (6) The department shall provide informatics staff support to the commission.

3185 (7) The funding of the commission shall be a separate line item to the department in
3186 the annual appropriations act.

3187 Section 57. Section **26-10-6** is amended to read:

3188 **26-10-6. Testing of newborn infants.**

3189 (1) Except in the case where parents object on the grounds that they are members of a
3190 specified, well-recognized religious organization whose teachings are contrary to the tests

3191 required by this section, each newborn infant shall be tested for:

3192 (a) phenylketonuria (PKU);

3193 (b) other metabolic diseases which may result in mental retardation or brain damage

3194 and for which:

3195 (i) a preventive measure or treatment is available; and

3196 (ii) there exists a reliable laboratory diagnostic test method; and

3197 (c) (i) beginning July 1, 1998, for an infant born in a hospital with 100 or more live
3198 births annually, hearing loss; and

3199 (ii) beginning July 1, 1999, for an infant born in a setting other than a hospital with 100
3200 or more live births annually, hearing loss.

3201 (2) In accordance with Section 26-1-6, the department may charge fees for:

3202 (a) materials supplied by the department to conduct tests required under Subsection (1);

3203 (b) tests required under Subsection (1) conducted by the department;

3204 (c) laboratory analyses by the department of tests conducted under Subsection (1); and

3205 (d) the administrative cost of follow-up contacts with the parents or guardians of tested
3206 infants.

3207 (3) Tests for hearing loss under Subsection (1) shall be based on one or more methods
3208 approved by the Newborn Hearing Screening Committee, including:

3209 (a) auditory brainstem response;

3210 (b) automated auditory brainstem response; and

3211 (c) evoked otoacoustic emissions.

3212 (4) Results of tests for hearing loss under Subsection (1) shall be reported to:

3213 (a) parents when results of tests for hearing loss under Subsection (1) suggest that
3214 additional diagnostic procedures or medical interventions are necessary; and

3215 (b) the department.

3216 (5) (a) There is established the Newborn Hearing Screening Committee.

3217 (b) The committee shall advise the department on:

3218 (i) the validity and cost of newborn infant hearing loss testing procedures; and

3219 (ii) rules promulgated by the department to implement this section.

3220 (c) The committee shall be composed of at least 11 members appointed by the
3221 executive director, including:

3222 (i) one representative of the health insurance industry;
3223 (ii) one pediatrician;
3224 (iii) one family practitioner;
3225 (iv) one ear, nose, and throat specialist nominated by the Utah Medical Association;
3226 (v) two audiologists nominated by the Utah Speech-Language-Hearing Association;
3227 (vi) one representative of hospital neonatal nurseries;
3228 (vii) one representative of the Early Intervention Baby Watch Program administered by
3229 the department;
3230 (viii) one public health nurse;
3231 (ix) one consumer; and
3232 (x) the executive director or his designee.

3233 (d) Of the initial members of the committee, the executive director shall appoint as
3234 nearly as possible half to two-year terms and half to four-year terms. Thereafter, appointments
3235 shall be for four-year terms except:

3236 (i) for those members who have been appointed to complete an unexpired term; and
3237 (ii) as necessary to ensure that as nearly as possible the terms of half the appointments
3238 expire every two years.

3239 (e) A majority of the members constitute a quorum and a vote of the majority of the
3240 members present constitutes an action of the committee.

3241 (f) The committee shall appoint a chairman from its membership.

3242 (g) The committee shall meet at least quarterly.

3243 ~~[(h) (i) (A) Members who are not government employees shall receive no~~
3244 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
3245 ~~the performance of the member's official duties at the rates established by the Division of~~
3246 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

3247 ~~[(B) Members may decline to receive per diem and expenses for their service.]~~

3248 ~~[(ii) (A) State government officer and employee members who do not receive salary,~~
3249 ~~per diem, or expenses from their agency for their service may receive per diem and expenses~~
3250 ~~incurred in the performance of their official duties from the committee at the rates established~~
3251 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3252 ~~[(B) State government officer and employee members may decline to receive per diem~~

3253 ~~and expenses for their service.]~~

3254 (h) A member may not receive compensation or benefits for the member's service, but
3255 may receive per diem and travel expenses in accordance with:

3256 (i) Section 63A-3-106;

3257 (ii) Section 63A-3-107; and

3258 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3259 63A-3-107.

3260 (i) The department shall provide staff for the committee.

3261 Section 58. Section **26-18-102** is amended to read:

3262 **26-18-102. DUR Board -- Creation and membership -- Expenses.**

3263 (1) There is created a 12-member Drug Utilization Review Board responsible for
3264 implementation of a retrospective and prospective DUR program.

3265 (2) (a) Except as required by Subsection (2)(b), as terms of current board members
3266 expire, the executive director shall appoint each new member or reappointed member to a
3267 four-year term.

3268 (b) Notwithstanding the requirements of Subsection (2)(a), the executive director shall,
3269 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
3270 of board members are staggered so that approximately half of the board is appointed every two
3271 years.

3272 (c) Persons appointed to the board may be reappointed upon completion of their terms,
3273 but may not serve more than two consecutive terms.

3274 (d) The executive director shall provide for geographic balance in representation on the
3275 board.

3276 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
3277 appointed for the unexpired term.

3278 (4) The membership shall be comprised of the following:

3279 (a) four physicians who are actively engaged in the practice of medicine or osteopathic
3280 medicine in this state, to be selected from a list of nominees provided by the Utah Medical
3281 Association;

3282 (b) one physician in this state who is actively engaged in academic medicine;

3283 (c) three pharmacists who are actively practicing in retail pharmacy in this state, to be

3284 selected from a list of nominees provided by the Utah Pharmaceutical Association;

3285 (d) one pharmacist who is actively engaged in academic pharmacy;

3286 (e) one person who shall represent consumers;

3287 (f) one person who shall represent pharmaceutical manufacturers, to be recommended
3288 by the Pharmaceutical Manufacturers Association; and

3289 (g) one dentist licensed to practice in this state under Title 58, Chapter 69, Dentists and
3290 Dental Hygienists Act, who is actively engaged in the practice of dentistry, nominated by the
3291 Utah Dental Association.

3292 (5) Physician and pharmacist members of the board shall have expertise in clinically
3293 appropriate prescribing and dispensing of outpatient drugs.

3294 (6) The board shall elect a chair from among its members who shall serve a one-year
3295 term, and may serve consecutive terms.

3296 ~~[(7)(a) Members shall receive no compensation or benefits for their services, but may~~
3297 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
3298 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3299 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

3300 ~~[(c)(i) Higher education members who do not receive salary, per diem, or expenses~~
3301 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
3302 ~~in the performance of their official duties from the committee at the rates established by the~~
3303 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3304 ~~[(ii) Higher education members may decline to receive per diem and expenses for their~~
3305 ~~service.]~~

3306 (7) A member may not receive compensation or benefits for the member's service, but
3307 may receive per diem and travel expenses in accordance with:

3308 (a) Section 63A-3-106;

3309 (b) Section 63A-3-107; and

3310 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3311 63A-3-107.

3312 Section 59. Section **26-18a-2** is amended to read:

3313 **26-18a-2. Creation and membership of Kurt Oscarson Children's Organ**
3314 **Transplant Coordinating Committee -- Expenses.**

3315 (1) There is created the Kurt Oscarson Children's Organ Transplant Coordinating
3316 Committee.

3317 (2) The committee shall have five members representing the following:

3318 (a) the executive director of the Department of Health or his designee;

3319 (b) two representatives from public or private agencies and organizations concerned
3320 with providing support and financial assistance to the children and families of children who
3321 need organ transplants; and

3322 (c) two individuals who have had organ transplants, have children who have had organ
3323 transplants, who work with families or children who have had or are awaiting organ
3324 transplants, or community leaders or volunteers who have demonstrated an interest in working
3325 with families or children in need of organ transplants.

3326 (3) (a) The governor shall appoint the committee members and designate the chair
3327 from among the committee members.

3328 (b) (i) Except as required by Subsection (3)(b)(ii), each member shall serve a four-year
3329 term.

3330 (ii) Notwithstanding the requirements of Subsection (3)(b)(i), the governor shall, at the
3331 time of appointment or reappointment, adjust the length of terms to ensure that the terms of the
3332 committee members are staggered so that approximately half of the committee is appointed
3333 every two years.

3334 ~~[(4) (a) (i) Members who are not government employees receive no compensation or~~
3335 ~~benefits for their services, but may, at the executive director's discretion, receive per diem and~~
3336 ~~expenses incurred in the performance of the member's official duties at the rates established by~~
3337 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3338 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

3339 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~
3340 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
3341 ~~incurred in the performance of their official duties from the committee at the rates established~~
3342 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3343 ~~[(ii) State government officer and employee members may decline to receive per diem~~
3344 ~~and expenses for their service.]~~

3345 (4) A member may not receive compensation or benefits for the member's service, but,

3346 at the executive director's discretion, may receive per diem and travel expenses in accordance
3347 with:

- 3348 (a) Section 63A-3-106;
3349 (b) Section 63A-3-107; and
3350 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3351 63A-3-107.

3352 (5) The Department of Health shall provide support staff for the committee.

3353 Section 60. Section **26-21-4** is amended to read:

3354 **26-21-4. Per diem of committee members.**

3355 ~~[(1) Members shall receive no compensation or benefits for their services, but may~~
3356 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
3357 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3358 ~~[(2) Members may decline to receive per diem and expenses for their service.]~~

3359 A member may not receive compensation or benefits for the member's service, but may
3360 receive per diem and travel expenses in accordance with:

- 3361 (1) Section 63A-3-106;
3362 (2) Section 63A-3-107; and
3363 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3364 63A-3-107.

3365 Section 61. Section **26-33a-103** is amended to read:

3366 **26-33a-103. Committee membership -- Terms -- Chair -- Compensation.**

3367 (1) The Health Data Committee created by Section 26-1-7 shall be composed of 13
3368 members appointed by the governor with the consent of the Senate.

3369 (2) No more than seven members of the committee may be members of the same
3370 political party.

3371 (3) The appointed members of the committee shall be knowledgeable regarding the
3372 health care system and the characteristics and use of health data and shall be selected so that
3373 the committee at all times includes individuals who provide care.

3374 (4) The membership of the committee shall be:

- 3375 (a) one person employed by or otherwise associated with a hospital as defined by
3376 Section 26-21-2;

(b) one physician, as defined in Section 58-67-102, licensed to practice in this state, who spends the majority of his time in the practice of medicine in this state;

(c) one registered nurse licensed to practice in this state under Title 58, Chapter 31b, Nurse Practice Act;

(d) three persons employed by or otherwise associated with a business that supplies health care insurance to its employees, at least one of whom represents an employer employing 50 or fewer employees;

(e) one person employed by or associated with a third-party payor that is not licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health Plans;

(f) two consumer representatives from organized consumer or employee associations;

(g) one person broadly representative of the public interest;

(h) one person employed by or associated with an organization that is licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health Plans; and

(i) two people representing public health.

(5) (a) Except as required by Subsection (5)(b), as terms of current committee members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

(c) Members may serve after their terms expire until replaced.

(6) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(7) Committee members shall annually elect a chair of the committee from among their membership.

(8) The committee shall meet at least once during each calendar quarter. Meeting dates shall be set by the chair upon ten working days notice to the other members, or upon written request by at least four committee members with at least ten working days notice to other committee members.

(9) Seven committee members constitute a quorum for the transaction of business.

3408 Action may not be taken except upon the affirmative vote of a majority of a quorum of the
3409 committee.

3410 ~~[(10)(a)(i) Members who are not government employees shall receive no~~
3411 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
3412 ~~the performance of the member's official duties at the rates established by the Division of~~
3413 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

3414 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

3415 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
3416 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
3417 ~~incurred in the performance of their official duties from the committee at the rates established~~
3418 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3419 ~~[(ii) State government officer and employee members may decline to receive per diem~~
3420 ~~and expenses for their service.]~~

3421 (10) A member may not receive compensation or benefits for the member's service, but
3422 may receive per diem and travel expenses in accordance with:

3423 (a) Section 63A-3-106;

3424 (b) Section 63A-3-107; and

3425 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3426 63A-3-107.

3427 (11) All meetings of the committee shall be open to the public, except that the
3428 committee may hold a closed meeting if the requirements of Sections 52-4-204, 52-4-205, and
3429 52-4-206 are met.

3430 Section 62. Section **26-39-202** is repealed and reenacted to read:

3431 **26-39-202. Members serve without pay -- Reimbursement for expenses.**

3432 A member may not receive compensation or benefits for the member's service, but may
3433 receive per diem and travel expenses in accordance with:

3434 (1) Section 63A-3-106;

3435 (2) Section 63A-3-107; and

3436 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3437 63A-3-107.

3438 Section 63. Section **26-40-104** is amended to read:

3439 **26-40-104. Utah Children's Health Insurance Program Advisory Council.**

3440 (1) There is created a Utah Children's Health Insurance Program Advisory Council
3441 consisting of at least eight and no more than eleven members appointed by the executive
3442 director of the department. The term of each appointment shall be three years. The
3443 appointments shall be staggered at one-year intervals to ensure continuity of the advisory
3444 council.

3445 (2) The advisory council shall meet at least quarterly.

3446 (3) The membership of the advisory council shall include at least one representative
3447 from each of the following groups:

- 3448 (a) child health care providers;
 - 3449 (b) parents and guardians of children enrolled in the program;
 - 3450 (c) ethnic populations other than American Indians;
 - 3451 (d) American Indians;
 - 3452 (e) the Utah Association of Health Care Providers;
 - 3453 (f) health and accident and health insurance providers; and
 - 3454 (g) the general public.
- 3455 (4) The advisory council shall advise the department on:
- 3456 (a) benefits design;
 - 3457 (b) eligibility criteria;
 - 3458 (c) outreach;
 - 3459 (d) evaluation; and
 - 3460 (e) special strategies for under-served populations.

3461 ~~[(5)(a)(i) Members who are not government employees may not receive compensation~~
3462 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
3463 ~~performance of the member's official duties at the rates established by the Division of Finance~~
3464 ~~under Sections 63A-3-106 and 63A-3-107.]~~

3465 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

3466 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
3467 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
3468 ~~incurred in the performance of their official duties from the council at the rates established by~~
3469 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3470 ~~[(ii) State government officer and employee members may decline to receive per diem~~
3471 ~~and expenses for their service.]~~

3472 (5) A member may not receive compensation or benefits for the member's service, but
3473 may receive per diem and travel expenses in accordance with:

3474 (a) Section 63A-3-106;

3475 (b) Section 63A-3-107; and

3476 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3477 63A-3-107.

3478 Section 64. Section **26-46-103** is amended to read:

3479 **26-46-103. Advisory committee -- Membership -- Compensation -- Duties.**

3480 (1) There is created the Utah Health Care Workforce Financial Assistance Program
3481 Advisory Committee consisting of the following 13 members appointed by the executive
3482 director, eight of whom shall be residents of rural communities:

3483 (a) one rural representative of Utah Hospitals and Health Systems, nominated by the
3484 association;

3485 (b) two rural representatives of the Utah Medical Association, nominated by the
3486 association;

3487 (c) one representative of the Utah Academy of Physician Assistants, nominated by the
3488 association;

3489 (d) one representative of the Association for Utah Community Health, nominated by
3490 the association;

3491 (e) one representative of the Utah Dental Association, nominated by the association;

3492 (f) one representative of mental health therapists, selected from nominees submitted by
3493 mental health therapist professional associations;

3494 (g) one representative of the Association of Local Health Officers, nominated by the
3495 association;

3496 (h) one representative of the low-income advocacy community, nominated by the Utah
3497 Human Services Coalition;

3498 (i) one nursing program faculty member, nominated by the Statewide Deans and
3499 Directors Committee;

3500 (j) one administrator of a long-term care facility, nominated by the Utah Health Care

3501 Association;

3502 (k) one nursing administrator, nominated by the Utah Nurses Association; and

3503 (l) one geriatric professional who is:

3504 (i) determined by the department to have adequate advanced training in geriatrics to
3505 prepare the person to provide specialized geriatric care within the scope of the person's
3506 profession; and

3507 (ii) nominated by a professional association for the profession of which the person is a
3508 member.

3509 (2) An appointment to the committee shall be for a four-year term unless the member is
3510 appointed to complete an unexpired term. The executive director may also adjust the length of
3511 term at the time of appointment or reappointment so that approximately 1/2 the committee is
3512 appointed every two years. The executive director shall annually appoint a committee chair
3513 from among the members of the committee.

3514 (3) The committee shall meet at the call of the chair, at least three members of the
3515 committee, or the executive director, but no less frequently than once each calendar year.

3516 (4) A majority of the members of the committee constitutes a quorum. The action of a
3517 majority of a quorum constitutes the action of the committee.

3518 ~~[(5) Members of the committee may not receive compensation for their work~~
3519 ~~associated with the committee, but may receive from the department reimbursement for travel~~
3520 ~~expenses incurred as a member of the committee, as funds are available, at the rates established~~
3521 ~~by the Division of Finance under Section 63A-3-107. Members of the committee may decline~~
3522 ~~reimbursement.]~~

3523 (5) A member may not receive compensation or benefits for the member's service, but
3524 may receive per diem and travel expenses in accordance with:

3525 (a) Section 63A-3-106;

3526 (b) Section 63A-3-107; and

3527 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3528 63A-3-107.

3529 (6) The committee shall:

3530 (a) make recommendations to the department for the development and modification of
3531 rules to administer the Utah Health Care Workforce Financial Assistance Program; and

(b) advise the department on the development of a needs assessment tool for identifying underserved areas.

(7) As funding permits, the department shall provide staff and other administrative support to the committee.

Section 65. Section **26-50-202** is amended to read:

26-50-202. Traumatic Brain Injury Advisory Committee -- Membership -- Time limit.

(1) On or after July 1 of each year, the executive director may create a Traumatic Brain Injury Advisory Committee of not more than nine members.

(2) The committee shall be composed of members of the community who are familiar with traumatic brain injury, its causes, diagnosis, treatment, rehabilitation, and support services, including:

(a) persons with a traumatic brain injury;

(b) family members of a person with a traumatic brain injury;

(c) representatives of an association which advocates for persons with traumatic brain injuries;

(d) specialists in a profession that works with brain injury patients; and

(e) department representatives.

(3) The department shall provide staff support to the committee.

(4) (a) If a vacancy occurs in the committee membership for any reason, a replacement may be appointed for the unexpired term.

(b) The committee shall elect a chairperson from the membership.

(c) A majority of the committee constitutes a quorum at any meeting, and, if a quorum exists, the action of the majority of members present shall be the action of the committee.

(d) The committee may adopt bylaws governing the committee's activities.

(e) A committee member may be removed by the executive director:

(i) if the member is unable or unwilling to carry out the member's assigned responsibilities; or

(ii) for good cause.

(5) The committee shall comply with the procedures and requirements of:

(a) Title 52, Chapter 4, Open and Public Meetings Act; and

(b) Title 63G, Chapter 2, Government Records Access and Management Act.

~~[(6) (a) Members shall receive no compensation or benefits for their services, but may, at the executive director's discretion, receive per diem and expenses incurred in the performance of the members' official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(b) Members may decline to receive per diem and expenses for their service.]~~

(6) A member may not receive compensation or benefits for the member's service, but, at the executive director's discretion, may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(7) Not later than November 30 of each year the committee shall provide a written report summarizing the activities of the committee to:

(a) the executive director of the department;

(b) the Health and Human Services Interim Committee; and

(c) the Health and Human Services Appropriations Subcommittee.

(8) The committee shall cease to exist on December 31 of each year, unless the executive director determines it necessary to continue.

Section 66. Section **31A-2-403** is amended to read:

31A-2-403. Title and Escrow Commission created.

(1) (a) Subject to Subsection (1)(b), there is created within the department the Title and Escrow Commission that is comprised of five members appointed by the governor with the consent of the Senate as follows:

(i) four members shall each:

(A) be or have been licensed under the title insurance line of authority; and

(B) as of the day on which the member is appointed, be or have been licensed with the search or escrow subline of authority for at least five years;

(C) as of the day on which the member is appointed, not be from the same county as another member appointed under this Subsection (1)(a)(i); and

(ii) one member shall be a member of the general public from any county in the state.

(b) No more than one commission member may be appointed from a single company.

(2) (a) Subject to Subsection (2)(c), a member of the commission shall file with the department a disclosure of any position of employment or ownership interest that the member of the commission has with respect to a person that is subject to the jurisdiction of the department.

(b) The disclosure statement required by this Subsection (2) shall be:

(i) filed by no later than the day on which the person begins that person's appointment; and

(ii) amended when a significant change occurs in any matter required to be disclosed under this Subsection (2).

(c) A member of the commission is not required to disclose an ownership interest that the member of the commission has if the ownership interest is held as part of a mutual fund, trust, or similar investment.

(3) (a) Except as required by Subsection (3)(b), as terms of current commission members expire, the governor shall appoint each new member to a four-year term ending on June 30.

(b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment, adjust the length of terms to ensure that the terms of the commission members are staggered so that approximately half of the commission is appointed every two years.

(c) A commission member may not serve more than one consecutive term.

(d) When a vacancy occurs in the membership for any reason, the governor, with the consent of the Senate, shall appoint a replacement for the unexpired term.

~~[(4) (a) A member of the commission may not receive compensation or benefits for the member's services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(b) A member may decline to receive per diem and expenses for the member's service.]~~

(4) A member may not receive compensation or benefits for the member's service, but

3625 may receive per diem and travel expenses in accordance with:

3626 (a) Section 63A-3-106;

3627 (b) Section 63A-3-107; and

3628 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

3629 63A-3-107.

3630 (5) Members of the commission shall annually select one member to serve as chair.

3631 (6) (a) The commission shall meet at least monthly.

3632 (b) The commissioner may call additional meetings:

3633 (i) at the commissioner's discretion;

3634 (ii) upon the request of the chair of the commission; or

3635 (iii) upon the written request of three or more commission members.

3636 (c) (i) Three members of the commission constitute a quorum for the transaction of
3637 business.

3638 (ii) The action of a majority of the members when a quorum is present is the action of
3639 the commission.

3640 (7) The department shall staff the commission.

3641 Section 67. Section **31A-29-104** is amended to read:

3642 **31A-29-104. Creation of pool -- Board of directors -- Appointment -- Terms --**
3643 **Quorum -- Plan preparation.**

3644 (1) There is created the "Utah Comprehensive Health Insurance Pool," a nonprofit
3645 entity within the Insurance Department.

3646 (2) The pool shall be under the direction of a board of directors composed of 12
3647 members.

3648 (a) The governor shall appoint ten of the directors with the consent of the Senate as
3649 follows:

3650 (i) two representatives of health insurance companies or health service organizations;

3651 (ii) one representative of a health maintenance organization;

3652 (iii) one physician;

3653 (iv) one representative of hospitals;

3654 (v) one representative of the general public who is reasonably expected to qualify for
3655 coverage under the pool;

3656 (vi) one parent or spouse of such an individual;

3657 (vii) one representative of the general public;

3658 (viii) one representative of employers; and

3659 (ix) one licensed producer with an accident and health line of authority.

3660 (b) The board shall also include:

3661 (i) the commissioner or the commissioner's designee; and

3662 (ii) the executive director of the Department of Health or the executive director's
3663 designee.

3664 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
3665 expire, the governor shall appoint each new member or reappointed member to a four-year
3666 term.

3667 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
3668 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
3669 board members are staggered so that approximately half of the board is appointed every two
3670 years.

3671 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
3672 appointed for the unexpired term in the same manner as the original appointment was made.

3673 ~~[(5)(a)(i) Members who are not government employees shall receive no compensation~~
3674 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
3675 ~~performance of the member's official duties at the rates established by the Division of Finance~~
3676 ~~under Sections 63A-3-106 and 63A-3-107 from the Pool Fund.]~~

3677 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

3678 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
3679 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
3680 ~~incurred in the performance of their official duties from the pool at the rates established by the~~
3681 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3682 ~~[(ii) A state government member who is a member because of their state government~~
3683 ~~position may not receive per diem or expenses for their service.]~~

3684 ~~[(iii) State government officer and employee members may decline to receive per diem~~
3685 ~~and expenses for their service.]~~

3686 (5) A member may not receive compensation or benefits for the member's service, but

3687 may receive per diem and travel expenses in accordance with:

3688 (a) Section 63A-3-106;

3689 (b) Section 63A-3-107; and

3690 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

3691 63A-3-107.

3692 (6) The board shall elect annually a chair and vice chair from its membership.

3693 (7) Six board members are a quorum for the transaction of business.

3694 (8) The action of a majority of the members of the quorum is the action of the board.

3695 Section 68. Section **31A-35-201** is amended to read:

3696 **31A-35-201. Bail Bond Surety Oversight Board.**

3697 (1) There is created a Bail Bond Surety Oversight Board within the department,
3698 consisting of:

3699 (a) the following seven voting members to be appointed by the commissioner:

3700 (i) one representative each from four licensed bail bond surety companies;

3701 (ii) two members of the general public who do not have any financial interest in or
3702 professional affiliation with any bail bond surety company; and

3703 (iii) one attorney in good standing licensed to practice law in Utah; and

3704 (b) a nonvoting member who is a staff member of the insurance department appointed
3705 by the commissioner.

3706 (2) (a) The appointments are for terms of four years. A board member may not serve
3707 more than two consecutive terms.

3708 (b) The insurance commissioner shall, at the time of appointment or reappointment of a
3709 board member described in Subsection (1)(a), adjust the length of terms to ensure that the
3710 terms of board members are staggered so approximately half of the board is appointed every
3711 two years.

3712 (3) A board member serves until:

3713 (a) removed by the insurance commissioner;

3714 (b) the member's resignation; or

3715 (c) for a member described in Subsection (1)(a), the expiration of the member's term
3716 and the appointment of a successor.

3717 (4) When a vacancy occurs in the membership of a board member described in

3718 Subsection (1)(a) for any reason, the replacement shall be appointed for the remainder of the
3719 unexpired term.

3720 (5) The board shall annually elect one of its members as chair.

3721 (6) Four voting members constitute a quorum for the transaction of business.

3722 ~~[(7)(a) A member described in Subsection (1)(a) does not receive compensation or~~
3723 ~~benefits for the member's services, but may receive per diem and expenses incurred in the~~
3724 ~~performance of official duties at the rates established by the Division of Finance under Sections~~
3725 ~~63A-3-106 and 63A-3-107.]~~

3726 ~~[(b) A member described in Subsection (1)(a) may decline to receive per diem and~~
3727 ~~expenses for the member's services.]~~

3728 (7) A member may not receive compensation or benefits for the member's service, but
3729 may receive per diem and travel expenses in accordance with:

3730 (a) Section 63A-3-106;

3731 (b) Section 63A-3-107; and

3732 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3733 63A-3-107.

3734 (8) (a) The commissioner, with a majority vote of the board, may remove any member
3735 of the board described in Subsection (1)(a) for misconduct, incompetency, or neglect of duty.

3736 (b) The board shall conduct a hearing if requested by the board member described in
3737 Subsection (1)(a) that is to be removed.

3738 (9) Members of the board are immune from suit with respect to all acts done and
3739 actions taken in good faith in carrying out the purposes of this chapter.

3740 Section 69. Section **32A-1-106** is amended to read:

3741 **32A-1-106. Alcoholic Beverage Control Commission -- Membership -- Oaths and**
3742 **bond -- Per diem -- Offices -- Removal -- Meetings.**

3743 (1) The Alcoholic Beverage Control Commission shall act as a governing board over
3744 the Department of Alcoholic Beverage Control.

3745 (2) (a) The commission is composed of five part-time commissioners appointed by the
3746 governor with the consent of the Senate.

3747 (b) No more than three commissioners may be of the same political party.

3748 (3) (a) Except as required by Subsection (3)(b), as terms of current commissioners

3749 expire, the governor shall appoint each new commissioner or reappointed commissioner to a
3750 four-year term.

3751 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
3752 time of appointment or reappointment, adjust the length of terms to ensure that the terms of no
3753 more than two commissioners expire in a fiscal year.

3754 (4) When a vacancy occurs in the commission for any reason, the replacement shall be
3755 appointed for the unexpired term with the consent of the Senate.

3756 (5) Each commissioner shall qualify by taking the oath of office and by giving bond to
3757 the state for faithful performance of duties in an amount determined by the Division of
3758 Finance, and in a form approved by the attorney general. The bond premium shall be paid by
3759 the state.

3760 ~~[(6)(a) A commissioner may not receive compensation or benefits for the~~
3761 ~~commissioner's services, but may receive per diem and expenses incurred in the performance of~~
3762 ~~the commissioner's official duties at the rates established by the Division of Finance under~~
3763 ~~Sections 63A-3-106 and 63A-3-107.]~~

3764 ~~[(b) A commissioner may decline to receive per diem and expenses for the~~
3765 ~~commissioner's service.]~~

3766 (6) A commissioner may not receive compensation or benefits for the commissioner's
3767 service, but may receive per diem and travel expenses in accordance with:

3768 (a) Section 63A-3-106;

3769 (b) Section 63A-3-107; and

3770 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3771 63A-3-107.

3772 (7) (a) The commission shall elect one of its members to serve as chair, another to
3773 serve as vice chair, and other commission officers as it considers advisable, all of whom shall
3774 serve at the pleasure of the commission.

3775 (b) All commissioners on the commission have equal voting rights on all commission
3776 matters when in attendance at a commission meeting.

3777 (c) Three commissioners of the commission is a quorum for conducting commission
3778 business.

3779 (d) A majority vote of the quorum present is required for any action to be taken by the

3780 commission.

3781 (8) (a) (i) The governor may remove any commissioner from office for cause after a
3782 public hearing conducted by the governor or by an impartial hearing examiner appointed by the
3783 governor to conduct the hearing.

3784 (ii) The commissioner shall receive written notice of the date, time, and place of the
3785 hearing along with the alleged grounds for the removal at least ten days before the hearing.
3786 The commissioner shall have the opportunity to attend the hearing, present witnesses and other
3787 evidence, and confront and cross examine witnesses.

3788 (b) Following the hearing, written findings of fact and conclusions of law shall be
3789 prepared by the person conducting the hearing and a copy served upon the commissioner. If
3790 the hearing is before a hearing examiner, the hearing examiner shall also issue a written
3791 recommendation to the governor.

3792 (c) The commissioner shall have five days to file written objections to the
3793 recommendation before the governor issues a final order. The governor's order shall be in
3794 writing and served upon the commissioner.

3795 (9) (a) The commission shall meet at least monthly, but may hold other meetings at
3796 times and places as scheduled by the commission, by the chair, or by any three commissioners
3797 upon filing a written request for a meeting with the chair.

3798 (b) Notice of the time and place of each commission meeting shall be given to each
3799 commissioner, and to the public in compliance with Title 52, Chapter 4, Open and Public
3800 Meetings Act. All commission meetings shall be open to the public, except those meetings or
3801 portions of meetings that are closed by the commission as authorized by Sections 52-4-204 and
3802 52-4-205.

3803 Section 70. Section **34-20-3** is amended to read:

3804 **34-20-3. Labor relations board.**

3805 (1) (a) There is created the Labor Relations Board consisting of the following:

3806 (i) the commissioner of the Labor Commission;

3807 (ii) two members appointed by the governor with the consent of the Senate consisting
3808 of:

3809 (A) a representative of employers, in making this appointment the governor shall
3810 consider nominations from employer organizations; and

(B) a representative of employees, in making this appointment the governor shall consider nominations from employee organizations.

(b) (i) Except as provided in Subsection (1)(b)(ii), as terms of members appointed under Subsection (1)(a)(ii) expire, the governor shall appoint each new member or reappointed member to a four-year term.

(ii) Notwithstanding the requirements of Subsection (1)(b)(i), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of members appointed under Subsection (1)(a)(ii) are staggered so one member is appointed every two years.

(c) The commissioner shall serve as chair of the board.

(d) A vacancy occurring on the board for any cause of the members appointed under Subsection (1)(a)(ii) shall be filled by the governor with the consent of the Senate pursuant to this section for the unexpired term of the vacating member.

(e) The governor may at any time remove a member appointed under Subsection (1)(a)(ii) but only for inefficiency, neglect of duty, malfeasance or malfeasance in office, or for cause upon a hearing.

(f) A member of the board appointed under Subsection (1)(a)(ii) may not hold any other office in the government of the United States, this state or any other state, or of any county government or municipal corporation within a state.

~~[(g) (i) (A) A member appointed under Subsection (1)(a)(ii) may not receive compensation for the member's services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(B) A member appointed under Subsection (1)(a)(ii) may decline to receive per diem and expenses for the member's service.]~~

~~[(ii) The commissioner may not receive additional compensation, per diem, or expenses from the commissioner's service on the board that is in addition to the monies received as commissioner.]~~

(g) A member appointed under Subsection (1)(a)(ii) may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(2) A meeting of the board may be called:

(a) by the chair; or

(b) jointly by the members appointed under Subsection (1)(a)(ii).

(3) The chair may provide staff and administrative support as necessary from the Labor Commission.

(4) A vacancy in the board shall not impair the right of the remaining members to exercise all the powers of the board, and two members of the board shall at all times constitute a quorum.

(5) The board shall have an official seal which shall be judicially noticed.

Section 71. Section **34A-2-107** is amended to read:

**34A-2-107. Appointment of workers' compensation advisory council --
Composition -- Terms of members -- Duties -- Compensation.**

(1) The commissioner shall appoint a workers' compensation advisory council composed of:

(a) the following voting members:

(i) five employer representatives; and

(ii) five employee representatives; and

(b) the following nonvoting members:

(i) a representative of the Workers' Compensation Fund;

(ii) a representative of a private insurance carrier;

(iii) a representative of health care providers;

(iv) the Utah insurance commissioner or the insurance commissioner's designee; and

(v) the commissioner or the commissioner's designee.

(2) Employers and employees shall consider nominating members of groups who historically may have been excluded from the council, such as women, minorities, and individuals with disabilities.

(3) (a) Except as required by Subsection (3)(b), as terms of current council members

3873 expire, the commissioner shall appoint each new member or reappointed member to a two-year
3874 term beginning July 1 and ending June 30.

3875 (b) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at
3876 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
3877 council members are staggered so that approximately half of the council is appointed every two
3878 years.

3879 (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall
3880 be appointed for the unexpired term.

3881 (b) The commissioner shall terminate the term of a council member who ceases to be
3882 representative as designated by the member's original appointment.

3883 (5) (a) The council shall confer at least quarterly for the purpose of advising the
3884 commission, the division, and the Legislature on:

3885 (i) the Utah workers' compensation and occupational disease laws;

3886 (ii) the administration of the laws described in Subsection (5)(a)(i);

3887 (iii) rules related to the laws described in Subsection (5)(a)(i); and

3888 (iv) advising the Legislature in accordance with Subsection (5)(b).

3889 (b) (i) The council and the commission shall jointly study during 2009 the premium
3890 assessment under Section 59-9-101 on an admitted insurer writing workers' compensation
3891 insurance in this state and on a self-insured employer under Section 34A-2-202 as to:

3892 (A) whether or not the premium assessment should be changed; or

3893 (B) whether or not changes should be made to how the premium assessment is used.

3894 (ii) The council and commission shall jointly report the results of the study described in
3895 this Subsection (5)(b) to the Business and Labor Interim Committee by no later than the 2009
3896 November interim meeting.

3897 (6) Regarding workers' compensation, rehabilitation, and reemployment of employees
3898 who are disabled because of an industrial injury or occupational disease the council shall:

3899 (a) offer advice on issues requested by:

3900 (i) the commission;

3901 (ii) the division; and

3902 (iii) the Legislature; and

3903 (b) make recommendations to:

3904 (i) the commission; and

3905 (ii) the division.

3906 (7) The commissioner or the commissioner's designee shall serve as the chair of the
3907 council and call the necessary meetings.

3908 (8) The commission shall provide staff support to the council.

3909 ~~[(9) (a) (i) A member who is not a government employee may not receive~~
3910 ~~compensation or benefits for the member's service, but may receive per diem and expenses~~
3911 ~~incurred in the performance of the member's official duties at the rates established by the~~
3912 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3913 ~~[(ii) A member may decline to receive per diem and expenses for the member's~~
3914 ~~service.]~~

3915 ~~[(b) (i) A state government officer or employee member who does not receive salary,~~
3916 ~~per diem, or expenses from the member's agency for the member's service may receive per~~
3917 ~~diem and expenses incurred in the performance of the member's official duties from the council~~
3918 ~~at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3919 ~~[(ii) A state government officer or employee member may decline to receive per diem~~
3920 ~~and expenses for the member's service.]~~

3921 (9) A member may not receive compensation or benefits for the member's service, but
3922 may receive per diem and travel expenses in accordance with:

3923 (a) Section 63A-3-106;

3924 (b) Section 63A-3-107; and

3925 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3926 63A-3-107.

3927 Section 72. Section **34A-5-105** is amended to read:

3928 **34A-5-105. Antidiscrimination and Labor Advisory Council -- Membership --**
3929 **Appointment -- Term -- Powers and duties -- Chair.**

3930 (1) There is created an Antidiscrimination and Labor Advisory Council consisting of:

3931 (a) 13 voting members appointed by the commissioner as follows:

3932 (i) three employer representatives;

3933 (ii) three employee representatives;

3934 (iii) two representatives of persons who seek to rent or purchase dwellings as defined

3935 in Section 57-21-2;

3936 (iv) two representatives of persons who:

3937 (A) sell or rent dwellings; and

3938 (B) are subject to Title 57, Chapter 21, Utah Fair Housing Act; and

3939 (v) three representatives of the general public; and

3940 (b) the commissioner or the commissioner's designee as a nonvoting member of the
3941 council.

3942 (2) In making the appointments under Subsection (1), the commissioner shall consider
3943 representation of the following protected classes:

3944 (a) race;

3945 (b) color;

3946 (c) national origin;

3947 (d) gender;

3948 (e) religion;

3949 (f) age;

3950 (g) persons with disabilities;

3951 (h) familial status as defined in Section 57-21-2; and

3952 (i) source of income as defined in Section 57-21-2.

3953 (3) The division shall provide any necessary staff support for the council.

3954 (4) (a) Except as required by Subsection (4)(b), as terms of current council members
3955 expire, the commissioner shall appoint each new member or reappointed member to a four-year
3956 term.

3957 (b) Notwithstanding the requirements of Subsection (4)(a), the commissioner shall, at
3958 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
3959 council members are staggered so that approximately half of the council is appointed every two
3960 years.

3961 (5) (a) When a vacancy occurs in the membership for any reason, the replacement shall
3962 be appointed for the unexpired term.

3963 (b) The commissioner shall terminate the term of a council member who ceases to be
3964 representative as designated by the original appointment.

3965 ~~[(6) (a) (i) Members who are not government employees shall receive no compensation~~

or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]

~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

~~[(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the council at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(7) (a) The advisory council shall:

(i) offer advice on issues requested by:

(A) the commission;

(B) the division; or

(C) the Legislature; and

(ii) make recommendations to the commission and division regarding issues related to:

(A) employment discrimination;

(B) housing discrimination; and

(C) the administration by the commission of:

(I) the provisions of Title 34, Labor in General, that are administered by the commission;

(II) Title 34A, Chapter 5, Utah Antidiscrimination Act; and

(III) Title 57, Chapter 21, Utah Fair Housing Act.

(b) The council shall confer at least quarterly for the purpose of advising the commission, division, and the Legislature regarding issues described in Subsection (7)(a).

3997 (8) (a) The commissioner or the commissioner's designee shall serve as chair of the
3998 council.

3999 (b) The chair is charged with the responsibility of calling the necessary meetings.

4000 Section 73. Section **34A-6-106** is amended to read:

4001 **34A-6-106. Occupational Safety and Health Advisory Council -- Appointment.**

4002 (1) (a) There is created a Utah Occupational Safety and Health Advisory Council to
4003 assist the division in standard formulation.

4004 (b) Voting members on the council shall be appointed by the commissioner and shall
4005 consist of six persons selected upon the basis of their experience and competence in the field of
4006 occupational safety and health and shall include:

4007 (i) two representatives of labor;

4008 (ii) two representatives of industry; and

4009 (iii) two representatives of the public.

4010 (c) In addition to the voting members under Subsection (1)(b), the commissioner or the
4011 commissioner's designee shall serve as a nonvoting member.

4012 (2) (a) Except as required by Subsection (2)(b), as terms of current council members
4013 expire, the commissioner shall appoint each new member or reappointed member to a four-year
4014 term.

4015 (b) Notwithstanding the requirements of Subsection (2)(a), the commissioner shall, at
4016 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
4017 council members are staggered so that approximately half of the council is appointed every two
4018 years.

4019 (c) The commissioner may reappoint any council member for additional terms.

4020 (d) The commissioner or the commissioner's designee shall serve as chair of the
4021 council and call all necessary meetings.

4022 (3) The council shall meet as needed when called by the chair.

4023 (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall
4024 be appointed for the unexpired term.

4025 (b) The commissioner shall terminate the term of any council member who ceases to be
4026 a representative as designated by the member's original appointment.

4027 (5) The administrator shall furnish the council clerical, secretarial, and other services

necessary to conduct the business delegated to the council.

~~[(6)(a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(b) Members may decline to receive per diem and expenses for their service.]~~

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 74. Section **35A-1-205** is amended to read:

35A-1-205. Workforce Appeals Board -- Chair -- Appointment -- Compensation -- Qualifications.

(1) There is created the Workforce Appeals Board within the department consisting of one or more panels to hear and decide appeals from the decision of an administrative law judge.

(2) (a) A panel shall consist of three impartial members appointed by the governor as follows:

(i) the board chair, appointed in accordance with Subsection (5);

(ii) one member appointed to represent employers; and in making this appointment, the governor shall consider nominations from employer organizations; and

(iii) one member appointed to represent employees; and in making this appointment, the governor shall consider nominations from employee organizations.

(b) No more than two members of a panel may belong to the same political party.

(3) (a) (i) The term of a member shall be six years beginning on March 1 of the year the member is appointed, except as otherwise provided in Subsection (3)(a)(ii).

(ii) The governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of members are staggered so that approximately one third of the members are appointed every two years.

(b) When a vacancy occurs in the membership for any reason, the replacement shall be

4059 appointed for the unexpired term.

4060 (c) The governor may remove a member for inefficiency, neglect of duty, malfeasance
4061 or misfeasance in office, or other good and sufficient cause.

4062 (d) A member shall hold office until a successor is appointed and has qualified.

4063 (4) (a) Except as provided in Subsection (4)~~[(c)]~~(b), a member ~~[of the board may not~~
4064 ~~receive compensation for the member's services, but may receive per diem and expenses~~
4065 ~~incurred in the performance of the member's official duties at the rates established by the~~
4066 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~ may not receive compensation
4067 or benefits for the member's service, but may receive per diem and travel expenses in
4068 accordance with:

4069 (i) Section 63A-3-106;

4070 (ii) Section 63A-3-107; and

4071 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4072 63A-3-107.

4073 ~~[(b) A member may decline to receive per diem and expenses for the member's~~
4074 ~~service.]~~

4075 ~~[(c)]~~ (b) The member appointed as board chair in accordance with Subsection (5) shall
4076 be compensated at an hourly rate determined by the Department of Human Resource
4077 Management in accordance with Title 67, Chapter 19, Utah State Personnel Management Act.

4078 (5) (a) The chief officer of the board shall be the chair, who shall serve as the executive
4079 and administrative head of the board.

4080 (b) The chair shall be appointed by the governor to represent the public and may be
4081 removed from that position at the will of the governor.

4082 (c) The chair shall be experienced in administration and possess any additional
4083 qualifications determined by the governor.

4084 (6) (a) The chair shall designate an alternate from a panel appointed under this section:

4085 (i) in the absence of a regular member or the chair; or

4086 (ii) if the regular member or the chair has a conflict of interest.

4087 (b) Each case shall be decided by a full three-member panel.

4088 (7) The department shall provide the Workforce Appeals Board necessary staff
4089 support, except, the board may employ, retain, or appoint legal counsel.

4090 Section 75. Section **35A-1-206** is amended to read:

4091 **35A-1-206. State Council on Workforce Services -- Appointment -- Membership**
4092 **-- Terms of members -- Compensation.**

4093 (1) There is created a State Council on Workforce Services that shall:

4094 (a) perform the activities described in Subsection (8);

4095 (b) advise on issues requested by the department and the Legislature; and

4096 (c) make recommendations to the department regarding:

4097 (i) the implementation of Chapters 2, 3, and 5; and

4098 (ii) the coordination of apprenticeship training.

4099 (2) (a) The council shall consist of the following voting members:

4100 (i) each chair of a regional workforce services council appointed under Section

4101 35A-2-103;

4102 (ii) the superintendent of public instruction or the superintendent's designee;

4103 (iii) the commissioner of higher education or the commissioner's designee; and

4104 (iv) the following members appointed by the governor in consultation with the

4105 executive director:

4106 (A) four representatives of small employers as defined by rule by the department;

4107 (B) four representatives of large employers as defined by rule by the department;

4108 (C) four representatives of employees or employee organizations, including at least one
4109 representative from nominees suggested by public employees organizations;

4110 (D) two representatives of the clients served under this title including

4111 community-based organizations;

4112 (E) a representative of veterans in the state; and

4113 (F) the executive director of the Utah State Office of Rehabilitation.

4114 (b) The following shall serve as nonvoting ex officio members of the council:

4115 (i) the executive director or the executive director's designee;

4116 (ii) a legislator appointed by the governor from nominations of the speaker of the

4117 House of Representatives and president of the Senate;

4118 (iii) the executive director of the Department of Human Services;

4119 (iv) the director of the Governor's Office of Economic Development or the director's

4120 designee; and

4121 (v) the executive director of the Department of Health.

4122 (3) (a) The governor shall appoint one nongovernmental member from the council to
4123 be the chair.

4124 (b) The chair shall serve at the pleasure of the governor.

4125 (4) (a) A member appointed by the governor shall serve a term of four years and may
4126 be reappointed to one additional term.

4127 (b) A member shall continue to serve until the member's successor has been appointed
4128 and qualified.

4129 (c) Except as provided in Subsection (4)(d), as terms of council members expire, the
4130 governor shall appoint each new member or reappointed member to a four-year term.

4131 (d) Notwithstanding the requirements of Subsection (4)(c), the governor shall, at the
4132 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
4133 council members are staggered so that approximately one half of the council is appointed every
4134 two years.

4135 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
4136 appointed for the unexpired term.

4137 (5) A majority of the voting members constitutes a quorum for the transaction of
4138 business.

4139 ~~[(6)(a)(i) A public member may not receive compensation for the member's services;~~
4140 ~~but may receive per diem and expenses incurred in the performance of the member's official~~
4141 ~~duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~
4142 ~~63A-3-107.]~~

4143 ~~[(ii) A public member may decline to receive per diem and expenses for the member's~~
4144 ~~service.]~~

4145 ~~[(b)(i) A state government member who does not receive salary, per diem, or expenses~~
4146 ~~from the state for the member's service may receive per diem and expenses incurred in the~~
4147 ~~performance of the member's official duties as a member at the rates established by the~~
4148 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

4149 ~~[(ii) A state government member who is a member because of the member's state~~
4150 ~~government position may not receive per diem or expenses for the member's service.]~~

4151 ~~[(iii) A state government member may decline to receive per diem and expenses for the~~

4152 member's service.]

4153 ~~[(c) A legislator on the council shall receive compensation and expenses as provided~~
4154 ~~by law and legislative rule.]~~

4155 ~~[(d) A higher education member who does not receive salary, per diem, or expenses~~
4156 ~~from the entity that the member represents for the member's service may receive per diem and~~
4157 ~~expenses incurred in the performance of the member's official duties from the council at the~~
4158 ~~rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

4159 ~~[(e) (i) A local government member who does not receive salary, per diem, or expenses~~
4160 ~~from the entity that the member represents for the member's service may receive per diem and~~
4161 ~~expenses incurred in the performance of the member's official duties at the rates established by~~
4162 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

4163 ~~[(ii) A local government member may decline to receive per diem and expenses for the~~
4164 ~~member's service.]~~

4165 (6) A member may not receive compensation or benefits for the member's service, but
4166 may receive per diem and travel expenses in accordance with:

4167 (a) Section 63A-3-106;

4168 (b) Section 63A-3-107; and

4169 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4170 63A-3-107.

4171 (7) The department shall provide staff and administrative support to the council at the
4172 direction of the executive director.

4173 (8) The council shall:

4174 (a) develop a state workforce services plan in accordance with Section 35A-1-207;

4175 (b) review regional workforce services plans to certify consistency with state policy
4176 guidelines;

4177 (c) work cooperatively with regional councils on workforce services to oversee
4178 regional workforce services area operations and to ensure that services are being delivered in
4179 accordance with regional workforce services plans;

4180 (d) oversee the department's provision of technical assistance to the regional workforce
4181 services areas;

4182 (e) evaluate program performance, customer satisfaction, and other indicators to

4183 identify program strengths and weaknesses;

4184 (f) based on the evaluation conducted under Subsection (8)(e) develop plans to
4185 improve program outcomes;

4186 (g) improve the understanding and visibility of state workforce services efforts through
4187 external and internal marketing strategies;

4188 (h) make an annual report of accomplishments to the governor and the Legislature
4189 related to the activities of the department;

4190 (i) issue other studies, reports, or documents the council considers advisable that are
4191 not required under Subsection (8)(h);

4192 (j) coordinate the planning and delivery of workforce development services with public
4193 education, higher education, vocational rehabilitation, and human services; and

4194 (k) perform other responsibilities within the scope of workforce services as requested
4195 by:

4196 (i) the Legislature;

4197 (ii) the governor; or

4198 (iii) the executive director.

4199 Section 76. Section **35A-2-103** is amended to read:

4200 **35A-2-103. Regional council on workforce services -- Appointment --**

4201 **Membership -- Terms of members -- Compensation.**

4202 (1) The executive director shall jointly with all of the consortium of counties in the
4203 regional workforce services area, establish one or more regional councils on workforce services
4204 in each regional workforce services area.

4205 (2) A regional council on workforce services shall:

4206 (a) perform the functions described in Subsection (10);

4207 (b) work with the regional director, the department, the consortium of counties, and the
4208 State Council on Workforce Services on issues requested by the director of the regional
4209 workforce services area or the department; and

4210 (c) make recommendations to the regional workforce services area and department
4211 regarding:

4212 (i) the implementation of Chapters 2, 3, and 5; and

4213 (ii) coordination of apprenticeship training.

(3) Unless otherwise specified in this Subsection (3), members of a regional council on workforce services shall be appointed by the consortium of counties that covers the same geographic area as the regional council in the regional workforce services area, in consultation with the regional director, and shall consist of the following:

(a) the voting members who are:

(i) eight representatives of private sector small employers as defined by rule by the department;

(ii) eight representatives of private sector large employers as defined by rule by the department;

(iii) two representatives of employees, including employee organizations and including at least one representative from nominees suggested by public employees organizations in the region;

(iv) two representatives of clients, including community-based organizations;

(v) one representative from organized labor not representing public employees;

(vi) three representatives of county government consisting of county commissioners, county council members, county executives, or county mayors from the counties in the regional workforce services area;

(vii) a representative of public education appointed jointly by the school district superintendents in the region;

(viii) a representative of higher education appointed jointly by the presidents of the institutions of higher education in the region;

(ix) a representative of veterans;

(x) a representative of the Office of Rehabilitation; and

(xi) an individual who works for or is a member of an economic development board or committee of the state or one of its political subdivisions; and

(b) ex officio nonvoting members who are:

(i) a representative of applied technology;

(ii) a representative of the Department of Human Services; and

(iii) a representative of the Department of Health.

(4) The director of the regional workforce services area shall be a nonvoting ex officio member of the council and provide any necessary staff support for the council.

(5) (a) The consortium of counties in the regional workforce services area that appoints the council shall, in consultation with the regional director, appoint a member of the council to be the chair of the council to serve no more than two one-year terms.

(b) The chair shall be a representative of private sector employers.

(6) (a) (i) Except as provided in Subsection (6)(a)(ii), as terms of council members expire, the consortium of counties in the regional workforce services area that appoints the council shall, in consultation with the regional director, appoint each new member or reappointed member to a four-year term.

(ii) Notwithstanding the requirements of Subsection (6)(a)(i), the consortium of counties in the regional workforce services area that appoints the council shall, in consultation with the regional director, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately one half of the council is appointed every two years.

(iii) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(b) At the expiration of the term of a council member or if a vacancy occurs on the council, the consortium of counties in the regional workforce services area shall appoint a replacement to the council, in consultation with the regional director.

(c) A member shall continue to serve as a member until the member's successor has been appointed and qualified.

(d) A member is eligible for reappointment.

(e) The consortium of counties in the regional workforce services area that appoints the council shall appoint, in consultation with the regional director, an individual to replace a council member for the remainder of the term of the council member being replaced if the council member:

(i) ceases to be representative as designated by the original appointment; or

(ii) fails to attend three council meetings, if each of the three absences are not excused by the chair prior to or during the meeting.

(7) (a) A majority of the voting members constitutes a quorum for the transaction of business.

(b) Notwithstanding Subsection (7)(a), a majority of the private sector representatives

4276 shall be present for business to be transacted.

4277 ~~[(8)(a)(i) A public member may not receive compensation for the member's services;~~
4278 ~~but may receive per diem and expenses incurred in the performance of the member's official~~
4279 ~~duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~
4280 ~~63A-3-107.]~~

4281 ~~[(ii) A public member may decline to receive per diem and expenses for the member's~~
4282 ~~service.]~~

4283 ~~[(b)(i) A state government member who does not receive salary, per diem, or expenses~~
4284 ~~from the state for the member's service may receive per diem and expenses incurred in the~~
4285 ~~performance of the member's official duties as a member at the rates established by the~~
4286 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

4287 ~~[(ii) A state government member who is a member because of the member's state~~
4288 ~~government position may not receive per diem or expenses for the member's service.]~~

4289 ~~[(iii) A state government member may decline to receive per diem and expenses for the~~
4290 ~~member's service.]~~

4291 ~~[(c) A higher education member who does not receive salary, per diem, or expenses~~
4292 ~~from the entity that the member represents for the member's service may receive per diem and~~
4293 ~~expenses incurred in the performance of the member's official duties from the council at the~~
4294 ~~rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

4295 ~~[(d)(i) A local government member who does not receive salary, per diem, or expenses~~
4296 ~~from the entity that the member represents for the member's service may receive per diem and~~
4297 ~~expenses incurred in the performance of the member's official duties at the rates established by~~
4298 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

4299 ~~[(ii) A local government member may decline to receive per diem and expenses for the~~
4300 ~~member's service.]~~

4301 (8) A member may not receive compensation or benefits for the member's service, but
4302 may receive per diem and travel expenses in accordance with:

4303 (a) Section 63A-3-106;

4304 (b) Section 63A-3-107; and

4305 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4306 63A-3-107.

(9) The regional council shall annually provide the consortium of counties that appoints the council a written report that shall include the information concerning the elements of the regional plan described in Subsection 35A-2-102(4)(b).

(10) The regional councils on workforce services shall:

(a) determine the locations of employment centers in accordance with Section 35A-2-203;

(b) develop a regional workforce services plan in accordance with Section 35A-1-207;

(c) develop training priorities for the region;

(d) work cooperatively with the State Council on Workforce Services to oversee regional workforce services areas operations and to ensure that services are being delivered in accordance with regional workforce services plans;

(e) address concerns within the regional workforce services area related to apprenticeship training coordination;

(f) coordinate the planning and delivery of workforce development services with public education, higher education, vocational rehabilitation, and human services; and

(g) report annually to the State Council on Workforce Services.

Section 77. Section **35A-3-205** is amended to read:

35A-3-205. Creation of committee.

(1) There is created a Child Care Advisory Committee.

(2) The committee shall counsel and advise the office in fulfilling its statutory obligations to include:

(a) a review of and recommendations on the office's annual budget;

(b) recommendations on how the office might best respond to child care needs throughout the state; and

(c) recommendations on the use of new monies that come into the office, including those for the Child Care Fund.

(3) The committee is composed of the following members, with special attention given to insure diversity and representation from both urban and rural groups:

(a) one expert in early childhood development;

(b) one child care provider who operates a center;

(c) one child care provider who operates a family child care business;

4338 (d) one parent who is representative of households receiving a child care subsidy from
4339 the office;

4340 (e) one representative from the public at-large;

4341 (f) one representative of the State Office of Education;

4342 (g) one representative of the Department of Health;

4343 (h) one representative of the Department of Human Services;

4344 (i) one representative of the Department of Community and Culture;

4345 (j) two representatives from the corporate community, one who is a recent "Family
4346 Friendly" award winner and who received the award because of efforts in the child care arena;

4347 (k) two representatives from the small business community;

4348 (l) one representative from child care advocacy groups;

4349 (m) one representative of children with disabilities;

4350 (n) one representative from the state Head Start Association appointed by the
4351 association;

4352 (o) one representative from each child care provider association; and

4353 (p) one representative of a child care resource and referral center appointed by the
4354 organization representing child care resource and referral agencies.

4355 (4) (a) The executive director shall appoint the members designated in Subsections
4356 (3)(a) through (e) and (j) through (n).

4357 (b) The head of the respective departments shall appoint the members referred to in
4358 Subsections (3)(f) through (i).

4359 (c) Each child care provider association shall appoint its respective member referred to
4360 in Subsection (3)(o).

4361 (5) (a) Except as required by Subsection (5)(b), as terms of current committee members
4362 expire, the appointing authority shall appoint each new member or reappointed member to a
4363 four-year term.

4364 (b) Notwithstanding the requirements of Subsection (5)(a), the appointing authority
4365 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the
4366 terms of committee members are staggered so that approximately half of the committee is
4367 appointed every two years.

4368 (6) When a vacancy occurs in the membership for any reason, including missing three

consecutive meetings where the member has not been excused by the chair prior to or during the meeting, the replacement shall be appointed for the unexpired term.

(7) A majority of the members constitutes a quorum for the transaction of business.

(8) (a) The executive director shall select a chair from the committee membership.

(b) A chair may serve no more than two one-year terms as chair.

~~[(9)(a) Members who are not government employees may not receive compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(b) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(c) Members identified in Subsections (9)(a) and (b) may decline to receive per diem and expenses for their service.]~~

(9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 78. Section **35A-4-502** is amended to read:

35A-4-502. Administration of Employment Security Act.

(1) (a) The department shall administer this chapter through the division.

(b) The department may make, amend, or rescind any rules and special orders necessary for the administration of this chapter.

(c) The division may:

(i) employ persons;

(ii) make expenditures;

(iii) require reports;

(iv) make investigations;

4400 (v) make audits of any or all funds provided for under this chapter when necessary; and

4401 (vi) take any other action it considers necessary or suitable to that end.

4402 (d) No later than the first day of October of each year, the department shall submit to

4403 the governor a report covering the administration and operation of this chapter during the

4404 preceding calendar year and shall make any recommendations for amendments to this chapter

4405 as the department considers proper.

4406 (e) (i) The report required under Subsection (1)(d) shall include a balance sheet of the

4407 moneys in the fund in which there shall be provided, if possible, a reserve against liability in

4408 future years to pay benefits in excess of the then current contributions, which reserve shall be

4409 set up by the division in accordance with accepted actuarial principles on the basis of statistics

4410 of employment, business activity, and other relevant factors for the longest possible period.

4411 (ii) Whenever the department believes that a change in contribution or benefit rates

4412 will become necessary to protect the solvency of the fund, it shall promptly inform the

4413 governor and the Legislature and make appropriate recommendations.

4414 (2) (a) The department may make, amend, or rescind rules in accordance with Title

4415 63G, Chapter 3, Utah Administrative Rulemaking Act.

4416 (b) The director of the division or the director's designee may adopt, amend, or rescind

4417 special orders after appropriate notice and opportunity to be heard. Special orders become

4418 effective ten days after notification or mailing to the last-known address of the individuals or

4419 concerns affected thereby.

4420 (3) The director of the division or the director's designee shall cause to be printed for

4421 distribution to the public:

4422 (a) the text of this chapter;

4423 (b) the department's rules pertaining to this chapter;

4424 (c) the department's annual reports to the governor required by Subsection (1)(e); and

4425 (d) any other material the director of the division or the director's designee considers

4426 relevant and suitable and shall furnish them to any person upon application.

4427 (4) (a) The division may delegate to any person so appointed the power and authority it

4428 considers reasonable and proper for the effective administration of this chapter and may bond

4429 any person handling moneys or signing checks under this authority.

4430 (b) The department may, when permissible under federal and state law, make

4431 arrangements to voluntarily elect coverage under the United States Civil Service Retirement
4432 System or a comparable private retirement plan with respect to past as well as future services of
4433 individuals employed under this chapter who:

4434 (i) were hired prior to October 1, 1980; and

4435 (ii) have been retained by the department without significant interruption in the
4436 employees' services for the department.

4437 (c) An employee of the department who no longer may participate in a federal or other
4438 retirement system as a result of a change in status or appropriation under this chapter may
4439 purchase credit in a retirement system created under Title 49, Chapter 13, Public Employees'
4440 Noncontributory Retirement Act, with the employee's assets from the federal or other
4441 retirement system in which the employee may no longer participate.

4442 (5) There is created an Employment Advisory Council composed of the members listed
4443 in Subsections (5)(a) and (b).

4444 (a) The executive director shall appoint:

4445 (i) not less than five employer representatives chosen from individuals recommended
4446 by employers, employer associations, or employer groups;

4447 (ii) not less than five employee representatives chosen from individuals recommended
4448 by employees, employee associations, or employee groups; and

4449 (iii) five public representatives chosen at large.

4450 (b) The executive director or the executive director's designee shall serve as a
4451 nonvoting member of the council.

4452 (c) The employee representatives shall include both union and nonunion employees
4453 who fairly represent the percentage in the labor force of the state.

4454 (d) Employers and employees shall consider nominating members of groups who
4455 historically may have been excluded from the council, such as women, minorities, and
4456 individuals with disabilities.

4457 (e) (i) Except as required by Subsection (5)(e)(ii), as terms of current council members
4458 expire, the executive director shall appoint each new member or reappointed member to a
4459 four-year term.

4460 (ii) Notwithstanding the requirements of Subsection (5)(e)(i), the executive director
4461 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the

4462 terms of council members are staggered so that approximately half of the council is appointed
4463 every two years.

4464 (f) When a vacancy occurs in the membership for any reason, the replacement shall be
4465 appointed for the unexpired term.

4466 (g) The executive director shall terminate the term of any council member who ceases
4467 to be representative as designated by the council member's original appointment.

4468 (h) The council shall advise the department and the Legislature in formulating policies
4469 and discussing problems related to the administration of this chapter including:

4470 (i) reducing and preventing unemployment;

4471 (ii) encouraging the adoption of practical methods of vocational training, retraining,
4472 and vocational guidance;

4473 (iii) monitoring the implementation of the Wagner-Peyser Act;

4474 (iv) promoting the creation and development of job opportunities and the
4475 reemployment of unemployed workers throughout the state in every possible way; and

4476 (v) appraising the industrial potential of the state.

4477 (i) The council shall assure impartiality and freedom from political influence in the
4478 solution of the problems listed in Subsection (5)(h).

4479 (j) The executive director or the executive director's designee shall serve as chair of the
4480 council and call the necessary meetings.

4481 ~~[(k) (i) A member shall receive no compensation or benefits for the member's services;~~
4482 ~~but may receive per diem and expenses incurred in the performance of the member's official~~
4483 ~~duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~
4484 ~~63A-3-107.]~~

4485 ~~[(ii) A member may decline to receive per diem and expenses for the member's service.]~~

4486 (k) A member may not receive compensation or benefits for the member's service, but
4487 may receive per diem and travel expenses in accordance with:

4488 (i) Section 63A-3-106;

4489 (ii) Section 63A-3-107; and

4490 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4491 63A-3-107.

4492 (l) The department shall provide staff support to the council.

(6) In the discharge of the duties imposed by this chapter, the division director or the director's designee as designated by department rule, may in connection with a disputed matter or the administration of this chapter:

(a) administer oaths and affirmations;

(b) take depositions;

(c) certify to official acts; and

(d) issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records necessary as evidence.

(7) (a) In case of contumacy by or refusal to obey a subpoena issued to any person, any court of this state within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the director of the division or the director's designee shall have jurisdiction to issue to that person an order requiring the person to appear before the director or the director's designee to produce evidence, if so ordered, or give testimony regarding the matter under investigation or in question. Any failure to obey that order of the court may be punished by the court as contempt.

(b) Any person who, without just cause, fails or refuses to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if it is in that person's power to do so, in obedience to a subpoena of the director or the director's designee shall be punished as provided in Subsection 35A-1-301(1)(b). Each day the violation continues is a separate offense.

(c) In the event a witness asserts a privilege against self-incrimination, testimony and evidence from the witness may be compelled pursuant to Title 77, Chapter 22b, Grants of Immunity.

(8) (a) In the administration of this chapter, the division shall cooperate with the United States Department of Labor to the fullest extent consistent with the provisions of this chapter and shall take action, through the adoption of appropriate rules by the department and administrative methods and standards, as necessary to secure to this state and its citizens all advantages available under the provisions of:

(i) the Social Security Act that relate to unemployment compensation;

(ii) the Federal Unemployment Tax Act; and

(iii) the Federal-State Extended Unemployment Compensation Act of 1970.

(b) In the administration of Section 35A-4-402, which is enacted to conform with the requirements of the Federal-State Extended Unemployment Compensation Act of 1970, 26 U.S.C. 3304, the division shall take any action necessary to ensure that the section is interpreted and applied to meet the requirements of the federal act, as interpreted by the United States Department of Labor and to secure to this state the full reimbursement of the federal share of extended and regular benefits paid under this chapter that are reimbursable under the federal act.

Section 79. Section **36-2-4** is amended to read:

36-2-4. Legislative Compensation Commission created -- Governor's considerations in appointments -- Organization and expenses.

(1) There is created a state Legislative Compensation Commission composed of seven members appointed by the governor, not more than four of whom shall be from the same political party.

(2) (a) Except as required by Subsection (2)(b), the members shall be appointed for four-year terms.

(b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as the vacated member was chosen.

(3) In appointing members of the commission, the governor shall give consideration to achieving representation from the major geographic areas of the state, and representation from a broad cross section of occupational, professional, employee, and management interests.

(4) The commission shall select a chair. Four members of the commission shall constitute a quorum. The commission shall not make any final determination without the concurrence of a majority of its members appointed and serving on the commission being present.

~~[(5) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at~~

~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(b) Members may decline to receive per diem and expenses for their service.]~~

(5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(6) (a) The commission shall be a citizen commission and no member or employee of the legislative, judicial, or executive branch is eligible for appointment to the commission.

(b) The director of the Governor's Office of Planning and Budget:

(i) shall provide staff to the commission; and

(ii) is responsible for administration, budgeting, procurement, and related management functions for the commission.

Section 80. Section **36-23-104** is amended to read:

36-23-104. Committee meetings -- Compensation -- Quorum -- Legislative rules.

(1) The committee may meet as needed, at the call of the committee chairs, to carry out the duties set forth in Section 36-23-106.

~~[(2)(a) A legislator on the committee shall receive compensation and expenses as provided by law and legislative rule.]~~

~~[(b)(i) A public member on the committee may not receive compensation or benefits for the public member's service, but may receive per diem and expenses incurred in the performance of the public member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) A public member may decline to receive per diem and expenses for the public member's service.]~~

(2) A public member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

4586 63A-3-107.

4587 (3) (a) Five members of the committee constitute a quorum.

4588 (b) If a quorum is present, the action of a majority of members present is the action of
4589 the committee.

4590 (4) Except as provided in Subsection (3), in conducting all its business, the committee
4591 shall comply with the rules of legislative interim committees regarding motions.

4592 Section 81. Section **36-26-102** is amended to read:

4593 **36-26-102. Utah International Trade Commission -- Creation -- Membership --**
4594 **Chairs -- Per diem and expenses.**

4595 (1) There is created the Utah International Trade Commission.

4596 (2) The commission membership consists of 11 members:

4597 (a) eight members to be appointed as follows:

4598 (i) five members from the House of Representatives, appointed by the speaker of the
4599 House of Representatives, no more than three from the same political party; and

4600 (ii) three members from the Senate, appointed by the president of the Senate, no more
4601 than two members from the same political party;

4602 (b) two nonvoting members to be appointed by the governor; and

4603 (c) the Utah Attorney General or designee, who is a nonvoting member.

4604 (3) (a) The members appointed or reappointed by the governor shall serve two-year
4605 terms.

4606 (b) Notwithstanding the requirement of Subsection (3)(a), the governor shall, at the
4607 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
4608 these members are staggered so that approximately half of the members are appointed or
4609 reappointed under Subsection (3)(c) every two years.

4610 (c) When a vacancy occurs among members appointed by the governor, the
4611 replacement shall be appointed for the unexpired term.

4612 (d) One of the two members appointed by the governor shall be from a Utah industry
4613 involved in international trade.

4614 (4) Four members of the commission constitute a quorum.

4615 (5) (a) The speaker of the House of Representatives shall designate a member of the
4616 House of Representatives appointed under Subsection (2)(a) as a cochair of the commission.

(b) The president of the Senate shall designate a member of the Senate appointed under Subsection (2)(a) as a cochair of the commission.

~~[(6) (a) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their commission service may receive per diem and expenses at the rates incurred in the performance of their official commission duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(b) Legislators on the commission receive compensation and expenses as provided by law and legislative rule.]~~

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 82. Section **39-2-1** is amended to read:

39-2-1. Members -- A body corporate -- Powers -- Expenses.

(1) (a) The State Armory Board shall consist of the governor, the chair of the State Building Board, and the adjutant general.

(b) It shall be a body corporate with perpetual succession.

(c) It may have and use a common seal, and under the name aforesaid may sue and be sued, and contract and be contracted with.

(d) It may take and hold by purchase, gift, devise, grant, or bequest real and personal property required for its use.

(e) It may also convert property received by gift, devise, or bequest, and not suitable for its uses, into other property so available, or into money.

(2) The board shall have power to:

(a) borrow money for the purpose of erecting arsenals and armories upon the sole credit of the real property to which it has the legal title; and

(b) may secure such loans by mortgage upon such property:

(i) the mortgaged property shall be the sole security for such loan; and

(ii) no deficiency judgment shall be made, rendered, or entered against the board upon

the foreclosure of the mortgage; provided, however, that property in one city shall not be mortgaged for the purpose of obtaining money for the erection of armories in any other place. Said board shall be deemed a public corporation, and its property shall be exempt from all taxes and assessments.

~~[(3)(a) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(b) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

(3) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 83. Section **40-2-203** is amended to read:

40-2-203. Mine Safety Technical Advisory Council created -- Duties.

(1) Within the office there is created the "Mine Safety Technical Advisory Council" consisting of 13 voting members and 5 nonvoting members as provided in this section.

(2) (a) The commissioner shall appoint the voting members of the council as follows:

(i) one individual who represents a coal miner union;

(ii) two individuals with coal mining experience;

(iii) two individuals who represent coal mine operators;

(iv) one individual who represents an industry trade association;

(v) two individuals from local law enforcement agencies or emergency medical service providers;

(vi) three individuals who have expertise in one or more of the following:

(A) seismology;

(B) mining engineering;

(C) mine safety; or

4679 (D) another related subject; and
4680 (vii) two individuals from entities that provide mine safety training.
4681 (b) The nonvoting members of the council are:
4682 (i) the commissioner or the commissioner's designee;
4683 (ii) the executive director of the Department of Natural Resources or the executive
4684 director's designee;
4685 (iii) the commissioner of the Department of Public Safety or the commissioner's
4686 designee;
4687 (iv) a representative of the Mine Safety and Health Administration selected by the
4688 Mine Safety and Health Administration; and
4689 (v) a representative of the federal Bureau of Land Management selected by the federal
4690 Bureau of Land Management.
4691 (3) (a) Except as required by Subsection (3)(b), a voting member shall serve a
4692 four-year term beginning July 1 and ending June 30.
4693 (b) Notwithstanding the requirements of Subsection (3)(a), the commission shall, at the
4694 time of appointment of the initial voting members of the council, adjust the length of terms of
4695 the voting members to ensure that the terms of voting members are staggered so that
4696 approximately half of the voting members are appointed every two years.
4697 (4) (a) The commissioner shall terminate the term of a voting member who ceases to be
4698 representative as designated by the voting member's original appointment.
4699 (b) If a vacancy occurs in the voting members, the commissioner shall appoint a
4700 replacement for the unexpired term after soliciting recommendations from the council
4701 members.
4702 (5) (a) The council shall meet at least quarterly.
4703 (b) A majority of the voting members constitutes a quorum.
4704 (c) A vote of the majority of the members of the council when a quorum is present
4705 constitutes an action of the council.
4706 (6) (a) The commissioner or the commissioner's designee is the chair of the council.
4707 (b) The commission shall staff the council.
4708 ~~[(7) (a) (i) A member who is not a state or local government employee may not receive~~
4709 ~~compensation or benefits for the member's service, but may receive per diem and expenses~~

incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]

~~[(ii) A member who is not a state or local government employee may decline to receive per diem and expenses for the member's service.]~~

~~[(b) (i) A state government officer and employee member who does not receive salary, per diem, or expenses from the agency the member represents for the member's service may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) A state government officer and employee member may decline to receive per diem and expenses for the member's service.]~~

~~[(c) (i) A local government member who does not receive salary, per diem, or expenses from the entity that the member represents for the member's service may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) A local government member may decline to receive per diem and expenses for the member's service.]~~

(7) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(8) The council shall advise and make recommendations to the commission, the office, and the Legislature regarding:

(a) safety of coal mines located in Utah;

(b) prevention of coal mine accidents;

(c) effective coal mine emergency response;

(d) coal miner certification and recertification; and

(e) other topics reasonably related to safety of coal mines located in Utah.

Section 84. Section **40-2-204** is amended to read:

40-2-204. Coal Miner Certification Panel created -- Duties.

- 4741 (1) There is created within the office the "Coal Miner Certification Panel."
4742 (2) The panel consists of:
4743 (a) the commissioner or the commissioner's designee; and
4744 (b) at least eight other members appointed by the commissioner with equal
4745 representation and participation from:
4746 (i) management of coal mine operations;
4747 (ii) hourly coal mining employees.
4748 (3) A member appointed by the commissioner shall:
4749 (a) have at least five years' experience in coal mining in this state;
4750 (b) administer the certification test to an applicant referred to in Section 40-2-402;
4751 (c) consult with the commission about applicant qualifications specified in Section
4752 40-2-402;
4753 (d) meet when directed by the commissioner or the commissioner's designee; and
4754 (e) hold office at the pleasure of the commissioner.
4755 ~~[(4) A panel member who is not a government employee may not receive~~
4756 ~~compensation or benefits for the member's services, but may receive per diem and expenses~~
4757 ~~incurred in the performance of the member's official duties at the rates established by the~~
4758 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~
4759 (4) A member may not receive compensation or benefits for the member's service, but
4760 may receive per diem and travel expenses in accordance with:
4761 (a) Section 63A-3-106;
4762 (b) Section 63A-3-107; and
4763 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4764 63A-3-107.
4765 Section 85. Section **40-6-4** is amended to read:
4766 **40-6-4. Board of Oil, Gas, and Mining created -- Functions -- Appointment of**
4767 **members -- Terms -- Chair -- Quorum -- Expenses.**
4768 (1) There is created within the Department of Natural Resources the Board of Oil, Gas,
4769 and Mining. The board shall be the policy making body for the Division of Oil, Gas, and
4770 Mining.
4771 (2) The board shall consist of seven members appointed by the governor with the

4772 consent of the Senate. No more than four members shall be from the same political party. In
4773 addition to the requirements of Section 79-2-203, the members shall have the following
4774 qualifications:

- 4775 (a) two members knowledgeable in mining matters;
- 4776 (b) two members knowledgeable in oil and gas matters;
- 4777 (c) one member knowledgeable in ecological and environmental matters;
- 4778 (d) one member who is a private land owner, owns a mineral or royalty interest and is
4779 knowledgeable in those interests; and
- 4780 (e) one member who is knowledgeable in geological matters.

4781 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
4782 expire, the governor shall appoint each new member or reappointed member to a four-year
4783 term.

4784 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
4785 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
4786 board members are staggered so that approximately half of the board is appointed every two
4787 years.

4788 (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall
4789 be appointed for the unexpired term by the governor with the consent of the Senate.

4790 (b) The person appointed shall have the same qualifications as his predecessor.

4791 (5) The board shall appoint its chair from the membership. Four members of the board
4792 shall constitute a quorum for the transaction of business and the holding of hearings.

4793 ~~[(6)(a)(i) Members who are not government employees shall receive no compensation~~
4794 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
4795 ~~performance of the member's official duties at the rates established by the Division of Finance~~
4796 ~~under Sections 63A-3-106 and 63A-3-107.]~~

4797 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

4798 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
4799 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
4800 ~~incurred in the performance of their official duties from the board at the rates established by the~~
4801 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

4802 ~~[(ii) State government officer and employee members may decline to receive per diem~~

4803 ~~and expenses for their service.]~~

4804 (6) A member may not receive compensation or benefits for the member's service, but
4805 may receive per diem and travel expenses in accordance with:

4806 (a) Section 63A-3-106;

4807 (b) Section 63A-3-107; and

4808 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4809 63A-3-107.

4810 Section 86. Section **41-3-106** is amended to read:

4811 **41-3-106. Board -- Creation and composition -- Appointment, terms,**
4812 **compensation, and expenses of members -- Meetings -- Quorum -- Powers and duties --**
4813 **Officers' election and duties -- Voting.**

4814 (1) (a) There is created an advisory board of five members that shall assist and advise
4815 the administrator in the administration and enforcement of this chapter.

4816 (b) The members shall be appointed by the governor from among the licensed motor
4817 vehicle manufacturers, distributors, factory branch and distributor branch representatives,
4818 dealers, dismantlers, transporters, remanufacturers, and body shops.

4819 (c) (i) Except as required by Subsection (1)(c)(ii), each member shall be appointed for
4820 a term of four years or until his successor is appointed and qualified.

4821 (ii) Notwithstanding the requirements of Subsection (1)(c)(i), the governor shall, at the
4822 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
4823 board members are staggered so that approximately half of the board is appointed every two
4824 years.

4825 (d) Three members of the board shall be selected as follows:

4826 (i) one from new motor vehicle dealers;

4827 (ii) one from used motor vehicle dealers; and

4828 (iii) one from manufacturers, transporters, dismantlers, crushers, remanufacturers, and
4829 body shops.

4830 ~~[(e) (i) Members shall receive no compensation or benefits for their services, but may~~
4831 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
4832 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

4833 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

(e) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(f) A majority of the members of the board constitutes a quorum and may act upon and resolve in the name of the board any matter, thing, or question referred to it by the administrator, or that the board has power to determine.

(g) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(2) (a) The board shall on the first day of each July, or as soon thereafter as practicable, elect a chair, vice chair, secretary, and assistant secretary from among its members, who shall each hold office until his successor is elected.

(b) As soon as the board elects its officers, the elected secretary shall certify the results of the election to the administrator.

(c) The chair shall preside at all meetings of the board and the secretary shall make a record of the proceedings, which shall be preserved in the office of the administrator.

(d) If the chair is absent from any meeting of the board, his duties shall be discharged by the vice chair, and if the secretary is absent, his duties shall be discharged by the assistant secretary.

(e) All members of the board may vote on any question, matter, or thing that properly comes before it.

Section 87. Section **49-11-202** is amended to read:

49-11-202. Establishment of Utah State Retirement Board -- Quorum -- Terms -- Officers -- Expenses and per diem -- Membership Council established.

(1) There is established the Utah State Retirement Board composed of seven board members determined as follows:

(a) Four board members, with experience in investments or banking, shall be appointed by the governor from the general public.

(b) One board member shall be a school employee appointed by the governor from at

least three nominations submitted by the governing board of the school employees' association that is representative of a majority of the school employees who are members of a system administered by the board.

(c) One board member shall be a public employee appointed by the governor from at least three nominations submitted by the governing board of the public employee association that is representative of a majority of the public employees who are members of a system administered by the board.

(d) One board member shall be the state treasurer.

(2) Four board members constitute a quorum for the transaction of business.

(3) (a) All appointments to the board shall be made on a nonpartisan basis, with the consent of the Senate.

(b) Board members shall serve until their successors are appointed and take the constitutional oath of office.

(c) When a vacancy occurs on the board for any reason, the replacement shall be appointed for the unexpired term.

(4) (a) Except as required by Subsection (4)(b), all appointed board members shall serve for four-year terms.

(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(c) A board member who is appointed as a school employee or as a public employee who retires or who is no longer employed with a participating employer shall immediately resign from the board.

(5) (a) Each year the board shall elect a president and vice president from its membership.

~~[(b) Each board member shall receive a per diem plus expenses for attending regularly constituted meetings and conferences as provided by board action.]~~

(b) A board member may not receive compensation or benefits for the board member's service, but may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(6) (a) There is established a Membership Council to perform the duties under Subsection (10).

~~[(b) The board may pay the travel expenses of council members who attend council meetings.]~~

(b) A member of the council may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(7) The Membership Council shall be composed of 13 council members selected as follows:

(a) Three council members shall be school employees selected by the governing board of an association representative of a majority of school employees who are members of a system administered by the board.

(b) One council member shall be a classified school employee selected by the governing board of the association representative of a majority of classified school employees who are members of a system administered by the board.

(c) Two council members shall be public employees selected by the governing board of the association representative of a majority of the public employees who are members of a system administered by the board.

(d) One council member shall be a municipal officer or employee selected by the governing board of the association representative of a majority of the municipalities who participate in a system administered by the board.

(e) One council member shall be a county officer or employee selected by the governing board of the association representative of a majority of counties who participate in a system administered by the board.

(f) One council member shall be a representative of members of the Judges'

4927 Noncontributory Retirement System selected by the Judicial Council.

4928 (g) One council member shall be a representative of members of the Public Safety
4929 Retirement Systems selected by the governing board of the association representative of the
4930 majority of peace officers who are members of the Public Safety Retirement Systems.

4931 (h) One council member shall be a representative of members of the Firefighters'
4932 Retirement System selected by the governing board of the association representative of the
4933 majority of paid professional firefighters who are members of the Firefighters' Retirement
4934 System.

4935 (i) One council member shall be a retiree selected by the governing board of the
4936 association representing the largest number of retirees, who are not public education retirees,
4937 from the Public Employees' Contributory and Public Employees' Noncontributory Retirement
4938 Systems.

4939 (j) One council member shall be a retiree selected by the governing board of the
4940 association representing the largest number of public education retirees.

4941 (8) (a) Each entity granted authority to select council members under Subsection (7)
4942 may also revoke the selection at any time.

4943 (b) Each term on the council shall be for a period of four years, subject to Subsection
4944 (8)(a).

4945 (c) Each term begins on July 1 and expires on June 30.

4946 (d) When a vacancy occurs on the council for any reason, the replacement shall be
4947 selected for the remainder of the unexpired term.

4948 (9) The council shall annually designate one council member as chair.

4949 (10) The council shall:

4950 (a) recommend to the board and to the Legislature benefits and policies for members of
4951 any system or plan administered by the board;

4952 (b) recommend procedures and practices to improve the administration of the systems
4953 and plans and the public employee relations responsibilities of the board and office;

4954 (c) examine the record of all decisions affecting retirement benefits made by a hearing
4955 officer under Section 49-11-613;

4956 (d) submit nominations to the board for the position of executive director if that
4957 position is vacant;

(e) advise and counsel with the board and the director on policies affecting members of the various systems administered by the office; and

(f) perform other duties assigned to it by the board.

Section 88. Section **51-7-16** is amended to read:

51-7-16. State Money Management Council -- Members -- Terms -- Vacancies -- Chair and vice chair-- Executive secretary -- Meetings -- Quorum -- Members' disclosure of interests -- Per diem and expenses.

(1) (a) There is created a State Money Management Council composed of five members appointed by the governor after consultation with the state treasurer and with the consent of the Senate.

(b) The members of the council shall be qualified by training and experience in the field of investment or finance as follows:

(i) at least one member, but not more than two members, shall be experienced in the banking business;

(ii) at least one member, but not more than two members, shall be an elected treasurer;

(iii) at least one member, but not more than two members, shall be an appointed public treasurer; and

(iv) two members, but not more than two members, shall be experienced in the field of investment.

(c) No more than three members of the council may be from the same political party.

(2) (a) Except as required by Subsection (2)(b), the council members shall be appointed for terms of four years.

(b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.

(c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(d) All members shall serve until their successors are appointed and qualified.

(3) (a) The council members shall elect a chair and vice chair.

(b) The state treasurer shall serve as executive secretary of the council without vote.

(4) (a) The council shall meet at least once per quarter at a regular date to be fixed by the council and at other times at the call of the chair, the state treasurer, or any two members of the council.

(b) Three members are a quorum for the transaction of business.

(c) Actions of the council require a vote of a majority of those present.

(d) All meetings of the council and records of its proceedings are open for inspection by the public at the state treasurer's office during regular business hours except for:

(i) reports of the commissioner of financial institutions concerning the identity, liquidity, or financial condition of qualified depositories and the amount of public funds each is eligible to hold; and

(ii) reports of the director concerning the identity, liquidity, or financial condition of certified dealers.

(5) (a) Each member of the council shall file a sworn or written statement with the lieutenant governor that discloses any position or employment or ownership interest that he has in any financial institution or investment organization.

(b) Each member shall file the statement required by this Subsection (5) when he becomes a member of the council and when substantial changes in his position, employment, or ownership interests occur.

~~[(6) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

~~[(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the council at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

~~[(c) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred~~

5020 in the performance of their official duties at the rates established by the Division of Finance
5021 under Sections 63A-3-106 and 63A-3-107.]

5022 [(ii) Local government members may decline to receive per diem and expenses for
5023 their service.]

5024 (6) A member may not receive compensation or benefits for the member's service, but
5025 may receive per diem and travel expenses in accordance with:

5026 (a) Section 63A-3-106;

5027 (b) Section 63A-3-107; and

5028 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5029 63A-3-107.

5030 Section 89. Section **51-7a-301** is amended to read:

5031 **51-7a-301. Investment advisory committee -- Creation.**

5032 (1) (a) There is created an investment advisory committee of seven members appointed
5033 as follows:

5034 (i) one member appointed by the president of the University of Utah;

5035 (ii) one member appointed by the president of Utah State University;

5036 (iii) two members appointed by the state superintendent of public instruction;

5037 (iv) one member appointed by the president of the Utah Education Association;

5038 (v) one member appointed by the president of the Utah Parent Teachers Association;

5039 and

5040 (vi) one member appointed by the Board of Trustees of the School and Institutional
5041 Trust Lands Administration.

5042 (b) In making appointments, the appointing authority shall appoint candidates with
5043 experience in securities, investments, or banking, or other experience that would aid the
5044 committee in fulfilling its responsibilities.

5045 (2) (a) (i) Except as required by Subsection (2)(a)(ii), as terms of current committee
5046 members expire, the appointing authority shall appoint each new member or reappointed
5047 member to a four-year term.

5048 (ii) The appointing authority shall, at the time of appointment or reappointment, adjust
5049 the length of terms to ensure that the terms of committee members are staggered so that
5050 approximately half of the committee is appointed every two years.

(b) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(3) The investment advisory committee shall meet at least quarterly.

(4) The investment advisory committee shall elect a chair and vice chair.

(5) (a) A committee member shall disclose any conflict of interest to the board.

(b) If the conflict involves a direct, personal financial interest in either the subject under consideration or an entity or asset that could be substantially affected by the outcome of committee advice, the member may not vote on the matter.

~~[(6) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

~~[(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) A state government member who is a member because of his state government position may not receive per diem or expenses for his service.]~~

~~[(iii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

~~[(c) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Local government members may decline to receive per diem and expenses for their service.]~~

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 90. Section **53-2-108** is amended to read:

53-2-108. Search and Rescue Advisory Board -- Members -- Compensation.

(1) There is created the Search and Rescue Advisory Board consisting of seven members appointed as follows:

(a) two representatives designated by the Utah Search and Rescue Association, one of whom is from a county having a population of 75,000 or more; and one from a county having a population of less than 75,000;

(b) three representatives designated by the Utah Sheriff's Association, at least one of whom shall be a member of a voluntary search and rescue unit operating in the state, at least one of whom shall be from a county having a population of 75,000 or more, and at least one of whom shall be from a county having a population of less than 75,000;

(c) one representative of the Division of Homeland Security designated by the director; and

(d) one private citizen appointed by the governor with the consent of the Senate.

(2) (a) The term of each member of the board is four years.

(b) A member may be reappointed to successive terms.

(c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(d) In order to stagger the terms of membership, the members appointed or reappointed to represent the Utah Sheriff's Association on or after May 2, 2005, shall serve a term of two years, and all subsequent terms shall be four years.

~~[(3) Members who are not government employees do not receive compensation or benefits for their services, but may receive per diem and travel expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

(3) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

5113 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5114 63A-3-107.

5115 Section 91. Section **53-3-303** is amended to read:

5116 **53-3-303. Driver License Medical Advisory Board -- Membership -- Guidelines**
5117 **for licensing impaired persons -- Recommendations to division.**

5118 (1) There is created within the division the Driver License Medical Advisory Board.

5119 (2) (a) The board is comprised of three regular members appointed by the
5120 Commissioner of Public Safety to four-year terms.

5121 (b) The board shall be assisted by expert panel members nominated by the board as
5122 necessary and as approved by the Commissioner of Public Safety.

5123 (c) Notwithstanding the requirements of Subsection (2)(a), the executive director shall,
5124 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
5125 of board members are staggered so that approximately half of the board is appointed every two
5126 years.

5127 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
5128 appointed for the unexpired term.

5129 (e) The expert panel members shall recommend medical standards in the areas of the
5130 panel members' special competence for determining the physical, mental, and emotional
5131 capabilities of applicants for licenses and licensees.

5132 (3) In reviewing individual cases, a panel acting with the authority of the board consists
5133 of at least two members, of which at least one is a regular board member.

5134 (4) The director of the division or his designee serves as secretary to the board and its
5135 panels.

5136 (5) Members of the board and expert panel members nominated by them shall be health
5137 care professionals.

5138 ~~[(6) (a) (i) Members who are not government employees shall receive no~~
5139 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
5140 ~~the performance of the member's official duties at the rates established by the Division of~~
5141 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

5142 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

5143 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~

diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]

~~[(ii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(7) The board shall meet from time to time when called by the director of the division.

(8) (a) The board shall recommend guidelines and standards for determining the physical, mental, and emotional capabilities of applicants for licenses and for licensees.

(b) The guidelines and standards are applicable to all Utah licensees and for all individuals who hold learner permits and are participating in driving activities in all forms of driver education.

(c) The guidelines and standards shall be published by the division.

(9) If the division has reason to believe that an applicant or licensee is an impaired person, it may:

(a) act upon the matter based upon the published guidelines and standards; or

(b) convene a panel to consider the matter and submit findings and a recommendation; the division shall consider the recommendation along with other evidence in determining whether a license should be suspended, revoked, denied, disqualified, canceled, or restricted.

(10) (a) If the division has acted under Subsection (9) to suspend, revoke, deny, disqualify, cancel, or restrict the driving privilege without the convening of a panel, the affected applicant or licensee may within ten days of receiving notice of the action request in a manner prescribed by the division a review of the division's action by a panel.

(b) The panel shall review the matters and make written findings and conclusions.

(c) The division shall affirm or modify its previous action.

(11) (a) Actions of the division are subject to judicial review as provided in this part.

(b) The guidelines, standards, findings, conclusions, and recommendations of the board or of a panel are admissible as evidence in any judicial review.

(12) Members of the board and its panels incur no liability for recommendations, findings, conclusions, or for other acts performed in good faith and incidental to membership on the board or a panel.

(13) The division shall provide forms for the use of health care professionals in depicting the medical history of any physical, mental, or emotional impairment affecting the applicant's or licensee's ability to drive a motor vehicle.

(14) (a) (i) Individuals who apply for or hold a license and have, or develop, or suspect that they have developed a physical, mental, or emotional impairment that may affect driving safety are responsible for reporting this to the division or its agent.

(ii) If there is uncertainty, the individual is expected to seek competent medical evaluation and advice as to the significance of the impairment as it relates to driving safety, and to refrain from driving until a clarification is made.

(b) Health care professionals who care for patients with physical, mental, or emotional impairments that may affect their driving safety, whether defined by published guidelines and standards or not, are responsible for making available to their patients without reservation their recommendations and appropriate information related to driving safety and responsibilities.

(c) A health care professional or other person who becomes aware of a physical, mental, or emotional impairment that appears to present an imminent threat to driving safety and reports this information to the division in good faith has immunity from any damages claimed as a result of making the report.

Section 92. Section **53-3-908** is amended to read:

53-3-908. Advisory committee.

(1) The governor shall appoint a five-member program advisory committee to assist in the development and implementation of the program.

(2) The committee members shall be appointed by the governor as follows:

(a) one representative of motorcycle retail dealers;

(b) one representative of peace officers;

(c) one citizen not affiliated with a motorcycle dealer, manufacturer, or association;

(d) one motorcycle safety foundation instructor or chief instructor; and

(e) one member of an incorporated motorcycle rider organization.

(3) All members of the advisory committee shall be licensed motorcyclists.

(4) (a) Except as required by Subsection (4)(b), as terms of current committee members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

(c) The committee shall meet at the call of the director.

(5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

~~[(6)(a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(b) Members may decline to receive per diem and expenses for their service.]~~

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 93. Section **53-5-703** is amended to read:

53-5-703. Board -- Membership -- Compensation -- Terms -- Duties.

(1) There is created within the division the Concealed Weapon Review Board.

(2) (a) The board is comprised of not more than five members appointed by the commissioner on a bipartisan basis.

(b) The board shall include a member representing law enforcement and at least two citizens, one of whom represents sporting interests.

(3) (a) Except as required by Subsection (3)(b), as terms of current board members expire, the commissioner shall appoint each new member or reappointed member to a four-year

5237 term.

5238 (b) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at
5239 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
5240 board members are staggered so that approximately half of the board is appointed every two
5241 years.

5242 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
5243 appointed for the unexpired term.

5244 ~~[(5)(a)(i) Members who are not government employees shall receive no compensation~~
5245 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
5246 ~~performance of the member's official duties at the rates established by the Division of Finance~~
5247 ~~under Sections 63A-3-106 and 63A-3-107.]~~

5248 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

5249 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
5250 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
5251 ~~incurred in the performance of their official duties from the board at the rates established by the~~
5252 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

5253 ~~[(ii) State government officer and employee members may decline to receive per diem~~
5254 ~~and expenses for their service.]~~

5255 (5) A member may not receive compensation or benefits for the member's service, but
5256 may receive per diem and travel expenses in accordance with:

5257 (a) Section 63A-3-106;

5258 (b) Section 63A-3-107; and

5259 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5260 63A-3-107.

5261 (6) The board shall meet at least quarterly, unless the board has no business to conduct
5262 during that quarter.

5263 (7) The board, upon receiving a timely filed petition for review, shall review within a
5264 reasonable time the denial, suspension, or revocation of a permit or a temporary permit to carry
5265 a concealed firearm.

5266 Section 94. Section **53-6-106** is amended to read:

5267 **53-6-106. Creation of Peace Officer Standards and Training Council -- Purpose --**

5268 **Membership -- Quorum -- Meetings -- Compensation.**

5269 (1) There is created the Peace Officer Standards and Training Council.

5270 (2) The council shall serve as an advisory board to the director of the division on
5271 matters relating to peace officer and dispatcher standards and training.

5272 (3) The council includes:

5273 (a) the attorney general or his designated representative;

5274 (b) the superintendent of the highway patrol;

5275 (c) the executive director of the Department of Corrections or his designated
5276 representative; and

5277 (d) 14 additional members appointed by the governor having qualifications,
5278 experience, or education in the field of law enforcement as follows:

5279 (i) one incumbent mayor;

5280 (ii) one incumbent county commissioner;

5281 (iii) three incumbent sheriffs, one of whom is a representative of the Utah Sheriffs
5282 Association, one of whom is from a county having a population of 100,000 or more, and one of
5283 whom is from a county having a population of less than 100,000;

5284 (iv) three incumbent police chiefs, one of whom is a representative of the Utah Chiefs
5285 of Police Association, one of whom is from a city of the first or second class, and one of whom
5286 is from a city of the third, fourth, or fifth class or town;

5287 (v) one officer from the Federal Bureau of Investigation appointed by the governor
5288 upon the recommendation of the agency;

5289 (vi) a representative of the Utah Peace Officers Association;

5290 (vii) an educator in the field of public administration, criminal justice, or related area;

5291 and

5292 (viii) three persons selected at large by the governor.

5293 (4) (a) Except as required by Subsection (4)(b), the 14 members of the council shall be
5294 appointed by the governor for four-year terms.

5295 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
5296 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
5297 council members are staggered so that approximately half of the council is appointed every two
5298 years.

- 5299 (c) A member may be reappointed for additional terms.
- 5300 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
- 5301 appointed for the unexpired term by the governor from the same category in which the vacancy
- 5302 occurs.
- 5303 (5) A member of the council ceases to be a member:
- 5304 (a) immediately upon the termination of his holding the office or employment that was
- 5305 the basis for his eligibility to membership on the council; or
- 5306 (b) upon two unexcused absences in one year from regularly scheduled council
- 5307 meetings.
- 5308 (6) The council shall select a chair and vice chair from among its members.
- 5309 (7) Ten members of the advisory council constitute a quorum.
- 5310 (8) (a) Meetings may be called by the chair, the commissioner, or the director and shall
- 5311 be called by the chair upon the written request of nine members.
- 5312 (b) Meetings shall be held at the times and places determined by the director.
- 5313 (9) The council shall meet at least two times per year.
- 5314 ~~[(10) (a) (i) Members who are not government employees shall receive no~~
- 5315 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
- 5316 ~~the performance of the member's official duties at the rates established by the Division of~~
- 5317 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~
- 5318 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~
- 5319 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~
- 5320 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
- 5321 ~~incurred in the performance of their official duties from the council at the rates established by~~
- 5322 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~
- 5323 ~~[(ii) State government officer and employee members may decline to receive per diem~~
- 5324 ~~and expenses for their service.]~~
- 5325 ~~[(c) (i) Local government members who do not receive salary, per diem, or expenses~~
- 5326 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
- 5327 ~~in the performance of their official duties at the rates established by the Division of Finance~~
- 5328 ~~under Sections 63A-3-106 and 63A-3-107.]~~
- 5329 ~~[(ii) Local government members may decline to receive per diem and expenses for~~

5330 ~~their service.]~~

5331 (10) A member may not receive compensation or benefits for the member's service, but
5332 may receive per diem and travel expenses in accordance with:

5333 (a) Section 63A-3-106;

5334 (b) Section 63A-3-107; and

5335 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5336 63A-3-107.

5337 (11) Membership on the council does not disqualify any member from holding any
5338 other public office or employment.

5339 Section 95. Section **53-7-203** is amended to read:

5340 **53-7-203. Utah Fire Prevention Board -- Creation -- Members -- Terms --**

5341 **Selection of chair and officers -- Quorum -- Meetings -- Compensation -- Division's duty**
5342 **to implement board rules.**

5343 (1) There is created within the division the Utah Fire Prevention Board.

5344 (2) The board shall be nonpartisan and be composed of ten members appointed by the
5345 governor as follows:

5346 (a) a city or county official;

5347 (b) a licensed architect;

5348 (c) a licensed engineer;

5349 (d) a member of the Utah State Firemen's Association;

5350 (e) the state forester;

5351 (f) the commissioner of the Labor Commission or the commissioner's designee;

5352 (g) a member of the Utah State Fire Chiefs Association;

5353 (h) a member of the Utah Fire Marshal's Association;

5354 (i) a building inspector; and

5355 (j) a citizen appointed at large.

5356 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
5357 expire, the governor shall appoint each new member or reappointed member to a four-year
5358 term.

5359 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
5360 time of appointment or reappointment, adjust the length of terms to ensure that the terms of

5361 board members are staggered so that approximately half of the board is appointed every two
5362 years.

5363 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
5364 appointed for the unexpired term.

5365 (5) A member whose term has expired may continue to serve until a replacement is
5366 appointed pursuant to Subsection (3).

5367 (6) The board shall select from its members a chair and other officers as the board finds
5368 necessary.

5369 (7) A majority of the members of the board is a quorum.

5370 (8) The board shall hold regular semiannual meetings for the transaction of its business
5371 at a time and place to be fixed by the board and shall hold other meetings as necessary for
5372 proper transaction of business.

5373 ~~[(9)(a)(i) Members who are not government employees shall receive no compensation~~
5374 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
5375 ~~performance of the member's official duties at the rates established by the Division of Finance~~
5376 ~~under Sections 63A-3-106 and 63A-3-107.]~~

5377 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

5378 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
5379 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
5380 ~~incurred in the performance of their official duties from the board at the rates established by the~~
5381 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

5382 ~~[(ii) State government officer and employee members may decline to receive per diem~~
5383 ~~and expenses for their service.]~~

5384 ~~[(c)(i) Local government members who do not receive salary, per diem, or expenses~~
5385 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
5386 ~~in the performance of their official duties at the rates established by the Division of Finance~~
5387 ~~under Sections 63A-3-106 and 63A-3-107.]~~

5388 ~~[(ii) Local government members may decline to receive per diem and expenses for~~
5389 ~~their service.]~~

5390 (9) A member may not receive compensation or benefits for the member's service, but
5391 may receive per diem and travel expenses in accordance with:

5392 (a) Section 63A-3-106;
5393 (b) Section 63A-3-107; and
5394 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5395 63A-3-107.

5396 (10) The division shall implement the rules of the board and perform all other duties
5397 delegated by the board.

5398 Section 96. Section **53-7-304** is amended to read:

5399 **53-7-304. Liquefied Petroleum Gas Board -- Creation -- Composition --**

5400 **Appointment -- Terms of officers -- Meetings -- Compensation.**

5401 (1) (a) There is created within the division the Liquefied Petroleum Gas Board.

5402 (b) The board is composed of seven members:

5403 (i) two Utah fire chiefs or marshals;

5404 (ii) two members of the general public; and

5405 (iii) three members who are representatives of the LPG industry.

5406 (2) The fire chiefs or marshals and the members of the general public shall be
5407 appointed by the governor, on a nonpartisan basis.

5408 (3) Members of the board who are representatives of the LPG industry shall have been
5409 legal residents of the state for at least one year immediately preceding the date of appointment
5410 and have been actively engaged in the LPG industry for a period of at least five years.

5411 (4) The LPG industry representatives shall be appointed by the governor from a list of
5412 at least five but no more than the 12 nominees receiving the largest number of votes according
5413 to written ballots executed by representatives of the licensees under Subsection (7).

5414 (5) (a) Except as required by Subsection (5)(b), as terms of current board members
5415 expire, the governor shall appoint each new member or reappointed member to a four-year
5416 term.

5417 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
5418 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
5419 board members are staggered so that approximately half of the board is appointed every two
5420 years.

5421 (c) Members serve from the date of appointment until a replacement is appointed.

5422 (6) When a vacancy occurs in the membership for any reason, the replacement shall be

5423 appointed for the unexpired term.

5424 (7) (a) The balloting of licensees shall be conducted by the division.

5425 (b) For the appointments, the division shall forward to each licensee by registered or
5426 certified United States mail an official ballot for each staffed plant or facility held under
5427 Section 53-7-309, with instructions for executing the ballot and returning it to the division.

5428 (8) (a) The board shall elect its own chair and vice chair at its first regular meeting each
5429 calendar year.

5430 (b) All meetings of the board shall be held on a prescribed date, at least quarterly, and
5431 at any time a majority of the board members sends a request to the board chair.

5432 (c) A majority of the members of the board is a quorum for the transaction of business.

5433 ~~[(9) (a) (i) Members who are not government employees shall receive no compensation~~
5434 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
5435 ~~performance of the member's official duties at the rates established by the Division of Finance~~
5436 ~~under Sections 63A-3-106 and 63A-3-107.]~~

5437 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

5438 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~
5439 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
5440 ~~incurred in the performance of their official duties from the board at the rates established by the~~
5441 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

5442 ~~[(ii) State government officer and employee members may decline to receive per diem~~
5443 ~~and expenses for their service.]~~

5444 (9) A member may not receive compensation or benefits for the member's service, but
5445 may receive per diem and travel expenses in accordance with:

5446 (a) Section 63A-3-106;

5447 (b) Section 63A-3-107; and

5448 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5449 63A-3-107.

5450 Section 97. Section **53-8-203** is amended to read:

5451 **53-8-203. Council created -- Members -- Term -- Meetings -- Duties.**

5452 (1) There is created within the division the Motor Vehicle Safety Inspection Advisory
5453 Council.

- 5454 (2) (a) The council shall be composed of seven members.
- 5455 (b) The governor shall appoint:
- 5456 (i) one member from the general public with experience or interest in product safety or
- 5457 consumer advocacy;
- 5458 (ii) two representatives from motor vehicle mechanics and motor vehicle repair
- 5459 business owners;
- 5460 (iii) one member of the motoring public with no former or current affiliation with the
- 5461 motor vehicle sales, repair, or fuel industry or its regulation;
- 5462 (iv) one peace officer with experience in motor vehicle law enforcement;
- 5463 (v) one representative of the commercial trucking industry; and
- 5464 (vi) one representative of the staff of the attorney general who shall serve without
- 5465 voting privileges.
- 5466 (3) Each member of the council shall:
- 5467 (a) be selected on a nonpartisan basis;
- 5468 (b) be appointed by the governor; and
- 5469 (c) have been a legal resident of the state for at least one year immediately preceding
- 5470 the date of appointment.
- 5471 (4) (a) Except as required by Subsection (4)(b), as terms of current council members
- 5472 expire, the governor shall appoint each new member or reappointed member to a four-year
- 5473 term.
- 5474 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
- 5475 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
- 5476 council members are staggered so that approximately half of the council is appointed every two
- 5477 years.
- 5478 (c) Members serve from the date of appointment until a replacement is appointed.
- 5479 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
- 5480 appointed for the unexpired term.
- 5481 (6) The council shall elect its own chair and vice-chair at its first regular meeting each
- 5482 calendar year.
- 5483 (7) All meetings of the council shall be called by the superintendent of the highway
- 5484 patrol as needed.

(8) Any three voting members constitute a quorum for the transaction of business that comes before the council.

~~[(9) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

~~[(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the council at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

(9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(10) The council shall:

(a) hear appeals of administrative actions regarding the suspension or revocation of safety inspection station permits and safety inspector certificates;

(b) advise the division on interpretation, adoption, and implementation of motor vehicle safety inspection standards; and

(c) advise the division on other motor vehicle safety inspection issues as requested by the superintendent.

(11) In conducting appeal hearings on the suspension or revocation of any safety inspection station permit or safety inspector certificate the council may:

(a) compel the attendance of witnesses by subpoena;

(b) require the production of any records or documents determined by it to be pertinent to the subject matter of the hearing; and

(c) apply to the district court of the county where the hearing is held for an order citing any applicant or witness for contempt and for failure to attend, testify, or produce required documents.

Section 98. Section **53-9-104** is amended to read:

53-9-104. Board -- Creation-- Qualifications -- Appointments -- Terms -- Immunity.

(1) There is established a Private Investigator Hearing and Licensure Board consisting of five members appointed by the commissioner.

(2) Each member of the board shall be a citizen of the United States and a resident of this state at the time of appointment.

(a) Two members shall be qualifying parties who are licensed as provided in this chapter.

(b) One member shall be a supervisory investigator from the commissioner's office.

(c) One member shall be a chief of police or sheriff.

(d) One member shall be a public member who shall not have a financial interest in a private investigative agency and shall not have an immediate family member or a household member or friend who is licensed or registered under this chapter.

(3) (a) Each member of the board shall serve four-year staggered terms beginning and ending on January 1.

(b) Notwithstanding the term requirements of Subsection (3)(a), the commissioner may adjust the length of terms to ensure the terms of board members are staggered so that approximately one member of the board is appointed every year.

(4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(5) At its first meeting every year, the board shall elect a chair, vice chair, and secretary from its membership.

~~[(6) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

5547 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~
5548 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
5549 ~~incurred in the performance of their official duties from the board at the rates established by the~~
5550 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

5551 ~~[(ii) State government officer and employee members may decline to receive per diem~~
5552 ~~and expenses for their service.]~~

5553 (6) A member may not receive compensation or benefits for the member's service, but
5554 may receive per diem and travel expenses in accordance with:

5555 (a) Section 63A-3-106;

5556 (b) Section 63A-3-107; and

5557 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5558 63A-3-107.

5559 (7) A member shall not serve more than one term, except that a member appointed to
5560 fill a vacancy or appointed for an initial term of less than four years may be reappointed for one
5561 full term.

5562 (8) The commissioner, after a board hearing and recommendation, may remove any
5563 member of the board for misconduct, incompetency, or neglect of duty.

5564 (9) Members of the board are immune from suit with respect to all acts done and
5565 actions taken in good faith in furtherance of the purposes of this chapter.

5566 Section 99. Section **53-11-104** is amended to read:

5567 **53-11-104. Board.**

5568 (1) (a) There is established under the Department of Public Safety a Bail Bond
5569 Recovery Licensure Board consisting of five members appointed by the commissioner.

5570 (b) The commissioner may appoint, in accordance with this section, persons who are
5571 also serving in the same capacity on the Private Investigator Hearing and Licensure Board
5572 under Section 53-9-104.

5573 (2) Each member of the board shall be a citizen of the United States and a resident of
5574 this state at the time of appointment:

5575 (a) one member shall be a person who is qualified for and is licensed under this
5576 chapter;

5577 (b) one member shall be a an attorney licensed to practice in the state;

(c) one member shall be a chief of police or sheriff;

(d) one member shall be an owner of a bail bond surety company who is not a bail enforcement agent or a bail recovery agent; and

(e) one member shall be a public member who does not have:

(i) a financial interest in a bail bond surety or bail bond recovery business; and

(ii) an immediate family member or a household member, or a personal or professional acquaintance who is licensed or registered under this chapter.

(3) (a) As terms of current board members expire, the commissioner shall appoint each new member or reappointed member to a four-year term, except as required by Subsection (3)(b).

(b) The commissioner shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(5) At its first meeting every year, the board shall elect a chair and vice chair from its membership.

~~[(6)(a)(i) Members who are not government employees receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

~~[(b)(i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

5609 (b) Section 63A-3-107; and

5610 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5611 63A-3-107.

5612 (7) A member may not serve more than one term, except that a member appointed to
5613 fill a vacancy or appointed for an initial term of less than four years under Subsection (3) may
5614 be reappointed for one additional full term.

5615 (8) The commissioner, after a board hearing and recommendation, may remove any
5616 member of the board for misconduct, incompetency, or neglect of duty.

5617 (9) Members of the board are immune from suit with respect to all acts done and
5618 actions taken in good faith in carrying out the purposes of this chapter.

5619 Section 100. Section **53A-1-202** is amended to read:

5620 **53A-1-202. Compensation for services -- Additional per diem -- Insurance --**
5621 **Certified statements of expenses.**

5622 (1) Each member of the State Board of Education shall receive \$3,000 per year,
5623 payable monthly, as compensation for services~~[-in addition to necessary travel expenses].~~

5624 ~~[(2) Each member may receive additional per diem compensation as established by the~~
5625 ~~director of the Division of Finance for attendance at meetings or activities related to any~~
5626 ~~business of the board, not to exceed 12 per year.]~~

5627 ~~[(3) Board members]~~ (2) A board member may participate in any group insurance plan
5628 provided to employees of the State Office of Education as part of their compensation on the
5629 same basis as required for employee participation.

5630 ~~[(4) The state superintendent shall certify statements of actual and necessary travel~~
5631 ~~expenses incurred by board members in attending board meetings or performing duties~~
5632 ~~authorized by the board.]~~

5633 (3) In additions to the provision of Subsections (1) and (2), a board member may
5634 receive per diem and travel expenses in accordance with:

5635 (a) Section 63A-3-106;

5636 (b) Section 63A-3-107; and

5637 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5638 63A-3-107.

5639 Section 101. Section **53A-1a-501.5** is amended to read:

53A-1a-501.5. State Charter School Board created.

(1) (a) The State Charter School Board is created consisting of the following members appointed by the governor:

(i) two members who have expertise in finance or small business management;

(ii) three members who are appointed from a slate of at least six candidates nominated by Utah's charter schools; and

(iii) two members who are appointed from a slate of at least four candidates nominated by the State Board of Education.

(b) Each appointee shall have demonstrated dedication to the purposes of charter schools as outlined in Section 53A-1a-503.

(2) (a) State Charter School Board members shall serve four-year terms, except three of the initial members appointed by the governor shall be appointed for a two-year term.

(b) If a vacancy occurs, the governor shall appoint a replacement for the unexpired term.

(3) (a) The State Charter School Board shall annually elect a chair from its membership.

(b) Four members of the board shall constitute a quorum.

(c) Meetings may be called by the chair or upon request of three members of the board.

~~[(4) (a) (i) Members who are not state government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the members' official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

~~[(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the State Charter School Board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

(4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

5671 (a) Section 63A-3-106;
5672 (b) Section 63A-3-107; and
5673 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5674 63A-3-107.

5675 Section 102. Section **53A-1a-602** is amended to read:

5676 **53A-1a-602. Job Enhancement Committee -- Composition -- Duties --**
5677 **Appropriation.**

5678 (1) There is created a Job Enhancement Committee to implement and administer the
5679 Public Education Job Enhancement Program established in Section 53A-1a-601.

5680 (2) (a) The committee shall consist of:

5681 (i) two members of the State Board of Education selected by the board;

5682 (ii) two members of the State Board of Regents selected by the board;

5683 (iii) six members of the general public who have business experience in mathematics,
5684 physics, chemistry, physical science, learning technology, or information technology selected
5685 by the governor;

5686 (iv) a master high school teacher, who has teaching experience in mathematics,
5687 physics, chemistry, physical science, learning technology, or information technology, selected
5688 by the superintendent of public instruction;

5689 (v) a master special education teacher, selected by the superintendent of public
5690 instruction; and

5691 (vi) a master teacher in grades four through six with a mathematics endorsement,
5692 selected by the superintendent of public instruction.

5693 ~~[(b) Committee members shall receive no compensation or benefits for their service on~~
5694 ~~the committee, but may receive per diem and expenses incurred in the performance of their~~
5695 ~~duties at rates established by the Division of Finance under Sections 63A-3-106 and~~
5696 ~~63A-3-107.]~~

5697 (b) A member may not receive compensation or benefits for the member's service, but
5698 may receive per diem and travel expenses in accordance with:

5699 (i) Section 63A-3-106;

5700 (ii) Section 63A-3-107; and

5701 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

5702 63A-3-107.

5703 (3) (a) The committee shall receive and review applications submitted for participation
5704 in the Public Education Job Enhancement Program established under Section 53A-1a-601.

5705 (b) In reviewing applications, the committee shall focus on:

5706 (i) the prioritized critical areas of need identified under Subsection (5)(a); and

5707 (ii) the awards being made on a competitive basis.

5708 (c) If the committee approves an application received under Subsection (3)(a), it shall
5709 contract directly with the teacher applicant to receive the award or the scholarship for a
5710 master's degree, an endorsement, or graduate education, subject to Section 53A-1a-601.

5711 (d) The State Board of Education, through the superintendent of public instruction,
5712 shall provide staff support for the committee and adequate and reliable data on the state's
5713 supply of and demand for qualified:

5714 (i) secondary teachers with expertise in mathematics, physics, chemistry, physical
5715 science, learning technologies, or information technology;

5716 (ii) special education teachers; and

5717 (iii) teachers in grades four through six with mathematics endorsements.

5718 (4) The committee may apply for grants and matching monies to enhance funding
5719 available for the program established in Section 53A-1a-601.

5720 (5) The committee shall make a rule in accordance with Title 63G, Chapter 3, Utah
5721 Administrative Rulemaking Act, establishing policies and procedures for:

5722 (a) making the awards and offering the scholarships in accordance with prioritized
5723 critical areas of need as determined by the committee;

5724 (b) timelines for the submission and approval of applications under Subsection (3); and

5725 (c) the distribution of the awards and scholarships to successful applicants based on
5726 available monies provided by legislative appropriation.

5727 (6) Subject to future budget constraints, the Legislature shall make an annual
5728 appropriation to the State Board of Education to fund the Public Education Job Enhancement
5729 Program established under Section 53A-1a-601.

5730 Section 103. Section **53A-6-802** is amended to read:

5731 **53A-6-802. Paraeducator to Teacher Scholarship Program.**

5732 (1) The Paraeducator to Teacher Scholarship Program is created to award scholarships

5733 to paraeducators for education and training to become licensed teachers.

5734 (2) The State Board of Education shall use money appropriated for the Paraeducator to
5735 Teacher Scholarship Program to award scholarships of up to \$5,000 to paraeducators employed
5736 by school districts and charter schools who are pursuing an associate's degree or bachelor's
5737 degree program to become a licensed teacher.

5738 (3) A paraeducator is eligible to receive a scholarship if:

5739 (a) the paraeducator is employed by a school district or charter school;

5740 (b) is admitted to, or has made an application to, an associate's degree program or
5741 bachelor's degree program that will prepare the paraeducator for teacher licensure; and

5742 (c) the principal at the school where the paraeducator is employed has nominated the
5743 paraeducator for a scholarship.

5744 (4) (a) The State Board of Education shall establish a committee to select scholarship
5745 recipients from nominations submitted by school principals.

5746 (b) The committee shall include representatives of the State Board of Education, State
5747 Board of Regents, and the general public, excluding school district and charter school
5748 employees.

5749 ~~[(c) (i) (A) A committee member who is not a government employee may not receive~~
5750 ~~compensation or benefits for the member's service, but may receive per diem and expenses~~
5751 ~~incurred in the performance of the member's official duties at the rates established by the~~
5752 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

5753 ~~[(B) A member may decline to receive per diem and expenses for the member's~~
5754 ~~service.]~~

5755 ~~[(ii) (A) A committee member who is a government employee member who does not~~
5756 ~~receive salary, per diem, or expenses from the agency the member represents for the member's~~
5757 ~~service may receive per diem and expenses incurred in the performance of the member's~~
5758 ~~official duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~
5759 ~~63A-3-107.]~~

5760 ~~[(B) A government employee member may decline to receive per diem and expenses~~
5761 ~~for the member's service.]~~

5762 (c) A member may not receive compensation or benefits for the member's service, but
5763 may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(d) The committee shall select scholarship recipients based on the following criteria:

(i) test scores, grades, or other evidence demonstrating the applicant's ability to successfully complete a teacher education program; and

(ii) the applicant's record of success as a paraeducator.

(5) The maximum scholarship amount is \$5,000.

(6) Scholarship monies may only be used to pay for tuition costs:

(a) of:

(i) an associate's degree program that fulfills credit requirements for the first two years of a bachelor's degree program leading to teacher licensure; or

(ii) the first two years of a bachelor's degree program leading to teacher licensure; and

(b) at a higher education institution:

(i) located in Utah; and

(ii) accredited by the Northwest Commission on Colleges and Universities.

(7) A scholarship recipient must be continuously employed as a paraeducator by a school district or charter school while pursuing a degree using scholarship monies.

(8) The State Board of Education shall make rules in accordance with this section and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the Paraeducator to Teacher Scholarship Program, including rules establishing:

(a) scholarship application procedures;

(b) the number of, and qualifications for, committee members who select scholarship recipients; and

(c) procedures for distributing scholarship monies.

Section 104. Section **53A-20b-103** is amended to read:

53A-20b-103. State Charter School Finance Authority created -- Members -- Compensation -- Services.

(1) There is created a body politic and corporate known as the State Charter School Finance Authority. The authority is created to provide an efficient and cost-effective method of

5795 financing charter school facilities.

5796 (2) The governing board of the authority shall be composed of:

5797 (a) the governor or the governor's designee;

5798 (b) the state treasurer; and

5799 (c) the state superintendent of public instruction or the state superintendent's designee.

5800 ~~[(3)(a)(i) A member who is not a government employee may not receive~~

5801 ~~compensation or benefits for the member's services, but may receive per diem and expenses~~

5802 ~~incurred in the performance of the member's official duties at the rates established by the~~

5803 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

5804 ~~[(ii) A member may decline to receive per diem and expenses for the member's~~

5805 ~~service.]~~

5806 ~~[(b)(i) A state government officer or employee member who does not receive salary,~~

5807 ~~per diem, or expenses from the agency the member represents for the member's service may~~

5808 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~

5809 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

5810 ~~[(ii) A state government officer or employee member may decline to receive per diem~~

5811 ~~and expenses for the member's service.]~~

5812 (3) A member may not receive compensation or benefits for the member's service, but

5813 may receive per diem and travel expenses in accordance with:

5814 (a) Section 63A-3-106;

5815 (b) Section 63A-3-107; and

5816 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

5817 63A-3-107.

5818 (4) Upon request, the State Board of Education shall provide staff support to the

5819 authority.

5820 Section 105. Section **53A-25b-203** is amended to read:

5821 **53A-25b-203. Advisory Council for the Utah Schools for the Deaf and the Blind.**

5822 (1) (a) There is created the Advisory Council for the Utah Schools for the Deaf and the

5823 Blind composed of at least six, but no more than 11, voting members appointed by the board.

5824 (b) The advisory council shall include:

5825 (i) two members who are blind;

(ii) two members who are deaf; and

(iii) two members who are deafblind or parents of a deafblind child.

(c) The board may appoint other advisory council members who have an interest in and knowledge of the needs and education of students who are deaf, blind, or deafblind.

(2) The board may remove a council member for cause.

(3) The board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the operation of the advisory council, including rules:

(a) specifying the term of membership for advisory council members;

(b) establishing procedures for filling a vacancy on the advisory council; and

(c) establishing procedures for dismissing an advisory council member.

~~[(4) An advisory council member may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

(4) An advisory council member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(5) The advisory council shall meet at least ten times per year.

(6) (a) The advisory council shall elect a chair and vice chair from its membership.

(b) The advisory council may elect other officers from its membership.

(c) The advisory council officers shall serve one-year terms.

(7) A majority of the advisory council constitutes a quorum for the transaction of business.

(8) The board shall assign a staff member from the Utah State Office of Education and the superintendent to act as liaisons between the board and the advisory council.

(9) The advisory council shall:

(a) advise and make recommendations to the board, superintendent, and associate superintendents regarding:

- 5857 (i) staff positions;
5858 (ii) policy;
5859 (iii) budgets; and
5860 (iv) operations;

5861 (b) advise the board, superintendent, and associate superintendents as to the needs of
5862 those who are deaf, blind, or deafblind and of appropriate programs and services to address
5863 individual needs consistent with state and federal laws, rules, and regulations; and

5864 (c) advise and make recommendations to the board regarding the continued
5865 employment of the superintendent and associate superintendents.

5866 (10) The board shall receive and consider the advice and recommendations of the
5867 advisory council but is not obligated to follow that advice or adopt the recommendations.

5868 Section 106. Section **53B-1-104** is amended to read:

5869 **53B-1-104. Membership of the board -- Student appointee -- Terms -- Oath --**
5870 **Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation.**

5871 (1) (a) The board shall consist of 19 residents of the state.

5872 (b) (i) Fifteen members shall be appointed by the governor with the consent of the
5873 Senate.

5874 (ii) (A) One additional member shall be appointed by the governor from nominations
5875 of the student body presidents council.

5876 (B) The council shall nominate three qualified, matriculated students enrolled in the
5877 state institutions of higher education.

5878 (C) Student body presidents are not eligible for nomination.

5879 (iii) All appointments to the board shall be made on a nonpartisan basis.

5880 (iv) In making appointments to the board, the governor shall select:

5881 (A) individuals from the state at large with due consideration for geographical
5882 representation; and

5883 (B) at least three individuals with personal experience in career and technical
5884 education, which could include service on a campus board of directors.

5885 (c) (i) In addition to the members designated under Subsection (1)(b), two members of
5886 the State Board of Education, appointed by the chair of the State Board of Education, shall
5887 serve as nonvoting members of the board.

(ii) A nonvoting State Board of Education member shall continue to serve as a member without a set term until the member is replaced by the chair of the State Board of Education.

(d) (i) In addition to the members designated under Subsection (1)(b), one member of the Utah College of Applied Technology Board of Trustees, appointed by the chair of the Utah College of Applied Technology Board of Trustees, shall serve as a nonvoting member of the board.

(ii) A nonvoting Utah College of Applied Technology Board of Trustees member shall continue to serve as a member without a set term until the member is replaced by the chair of the Utah College of Applied Technology Board of Trustees.

(2) (a) Five members of the board, other than the student member, the State Board of Education members, and the Utah College of Applied Technology Board of Trustees member, shall be appointed during each odd-numbered year to six-year staggered terms which commence on July 1 of the year of appointment.

(b) (i) The student member shall be appointed for a one-year term and may be reappointed for one additional term.

(ii) The student member has full voting rights and may vote on selection of a board chair or vice chair, but not serve in either office.

(c) Board members shall hold office until their successors have been appointed and qualified.

(3) (a) Each member of the board shall take the official oath of office before entering upon the duties of office.

(b) The oath shall be filed with the Division of Archives and Records Services.

(4) The board shall elect a chair and vice chair from its members who shall serve terms of two years and until their successors are chosen and qualified.

(5) (a) The board shall appoint a secretary from the staff of its chief executive to serve at its discretion.

(b) The secretary shall be a full-time employee who receives a salary set by the board.

(c) The secretary shall record and maintain a record of all board meetings and perform other duties as the board directs.

(6) The board shall appoint a treasurer who serves at the discretion of the board.

(7) (a) The board may establish advisory committees.

(b) The powers and authority of the board are nondelegable, except as specifically provided for in this title.

(c) All matters requiring board determination shall be addressed in a properly convened meeting of the board or its executive committee.

(8) The board shall enact bylaws for its own government not inconsistent with the constitution or the laws of this state.

(9) (a) The board shall meet regularly upon its own determination.

(b) The board may also meet, in full or executive session, at the request of its chair, its executive officer, or five members of the board.

(10) A quorum of the voting members of the board is required to conduct its business and consists of nine members.

(11) (a) A vacancy in the board occurring before the expiration of a voting member's full term shall be immediately filled by appointment by the governor with the consent of the Senate.

(b) The appointee serves for the remainder of the unexpired term.

~~[(12) (a) Each member of the board shall receive a per diem as provided by law as compensation for services for attending meetings of the board.]~~

~~[(b) Each member shall also be paid actual expenses incurred for attending meetings of the board or its committees or for attending to any business of the institutions under the direction of the board or authority of the board or its committees.]~~

(12) A board member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 107. Section **53B-2-104** is amended to read:

53B-2-104. Memberships of board of trustees -- Terms -- Vacancies -- Oath -- Officers -- Bylaws -- Quorum -- Committees -- Compensation.

(1) (a) The board of trustees of an institution of higher education consists of the following:

(i) eight persons appointed by the governor and approved by the Senate; and

(ii) two ex officio members who are the president of the institution's alumni association, and the president of the associated students of the institution.

(b) The appointed members of the boards of trustees for Utah Valley University and Salt Lake Community College shall be representative of the interests of business, industry, and labor.

(2) (a) The governor shall appoint four members of each board of trustees during each odd-numbered year to four-year terms commencing on July 1 of the year of appointment.

(b) An appointed member holds office until a successor is appointed and qualified.

(c) The ex officio members serve for the same period as they serve as presidents and until their successors have qualified.

(3) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(4) (a) Each member shall take the official oath of office prior to assuming the office.

(b) The oath shall be filed with the Division of Archives and Records Services.

(5) Each board of trustees shall elect a chair and vice chair, who serve for two years and until their successors are elected and qualified.

(6) (a) Each board of trustees may enact bylaws for its own government, including provision for regular meetings.

(b) (i) The board of trustees may provide for an executive committee in its bylaws.

(ii) If established, the committee shall have full authority of the board of trustees to act upon routine matters during the interim between board of trustees meetings.

(iii) The committee may act on nonroutine matters only under extraordinary and emergency circumstances.

(iv) The committee shall report its activities to the board of trustees at its next regular meeting following the action.

(c) Copies of the board of trustees' bylaws shall be filed with the board.

(7) A quorum is required to conduct business and consists of six members.

(8) A board of trustees may establish advisory committees.

~~[(9) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the~~

5981 ~~performance of the member's official duties at the rates established by the Division of Finance~~
5982 ~~under Sections 63A-3-106 and 63A-3-107.]~~

5983 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

5984 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~
5985 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
5986 ~~incurred in the performance of their official duties from the board at the rates established by the~~
5987 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

5988 ~~[(ii) State government officer and employee members may decline to receive per diem~~
5989 ~~and expenses for their service.]~~

5990 ~~[(c) (i) Higher education members who do not receive salary, per diem, or expenses~~
5991 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
5992 ~~in the performance of their official duties from the committee at the rates established by the~~
5993 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

5994 ~~[(ii) Higher education members may decline to receive per diem and expenses for their~~
5995 ~~service.]~~

5996 (9) A member may not receive compensation or benefits for the member's service, but
5997 may receive per diem and travel expenses in accordance with:

5998 (a) Section 63A-3-106;

5999 (b) Section 63A-3-107; and

6000 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6001 63A-3-107.

6002 (10) This section does not apply to the Utah College of Applied Technology.

6003 Section 108. Section **53B-2a-103** is amended to read:

6004 **53B-2a-103. Utah College of Applied Technology Board of Trustees --**

6005 **Membership -- Terms -- Vacancies -- Oath -- Officers -- Quorum -- Committees --**
6006 **Compensation.**

6007 (1) There is created the Utah College of Applied Technology Board of Trustees,
6008 composed of the following members:

6009 (a) one member of the State Board of Education appointed by the chair of the State
6010 Board of Education, to serve as a nonvoting member;

6011 (b) one member of the State Board of Regents appointed by the chair of the State

6012 Board of Regents, to serve as a nonvoting member;

6013 (c) one member representing business and industry employers from the campus board
6014 of directors of each applied technology college campus appointed by a majority vote of the
6015 business and industry employer members of the campus board;

6016 (d) one member representing business and industry employers from the Snow College
6017 career and technical education advisory committee appointed by a majority of the business and
6018 industry members of the advisory committee;

6019 (e) one member representing business and industry employers from the College of
6020 Eastern Utah career and technical education advisory committee appointed by a majority of the
6021 business and industry employer members of the advisory committee;

6022 (f) one member representing business and industry employers from the Salt Lake
6023 Community College School of Applied Technology Board of Directors appointed by a majority
6024 of the business and industry employer members of the board of directors;

6025 (g) one business or industry employer representative appointed by the governor with
6026 the consent of the Senate from nominations submitted by the speaker of the House of
6027 Representatives and president of the Senate;

6028 (h) one representative of union craft, trade, or apprenticeship programs that prepare
6029 workers for employment in career and technical education fields, appointed by the governor
6030 with the consent of the Senate;

6031 (i) one representative of non-union craft, trade, or apprenticeship programs that prepare
6032 workers for employment in career and technical education fields, appointed by the governor
6033 with the consent of the Senate;

6034 (j) the commissioner of higher education; and

6035 (k) the executive director of the Governor's Office of Economic Development or the
6036 executive director's designee.

6037 (2) (a) In making appointments to the board of trustees, the governor shall consider:

6038 (i) individuals from the state at large with due consideration for geographical
6039 representation;

6040 (ii) individuals recognized for their knowledge and expertise; and

6041 (iii) individuals who represent current and emerging business and industry sectors of
6042 the state.

6043 (b) Appointments to the board shall be made on a nonpartisan basis.

6044 (3) (a) Except as provided under Subsection (3)(b), members of the board of trustees
6045 shall be appointed commencing on July 1 of each odd-numbered year to a four-year term.

6046 (b) Initial terms of the board members beginning on July 1, 2009 shall be staggered
6047 with two-year and four-year terms so that approximately one-half of the members' terms will
6048 expire in any odd-numbered year.

6049 (c) An appointed member holds office until a successor is appointed and qualified.

6050 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
6051 appointed for the unexpired term.

6052 (5) (a) Each member shall take the official oath of office prior to assuming the office.

6053 (b) The oath shall be filed with the Division of Archives and Records Services.

6054 (6) The board of trustees shall elect a chair and vice chair, who serve for two years and
6055 until their successors are elected and qualified.

6056 (7) (a) The board of trustees may enact bylaws for its own government, including
6057 provision for regular meetings.

6058 (b) (i) The board of trustees may provide for an executive committee in its bylaws.

6059 (ii) If established, the committee shall have full authority of the board of trustees to act
6060 upon routine matters during the interim between board of trustees meetings.

6061 (iii) The committee may act on nonroutine matters only under extraordinary and
6062 emergency circumstances.

6063 (iv) The committee shall report its activities to the board of trustees at its next regular
6064 meeting following the action.

6065 (8) A quorum shall be required to conduct business which shall consist of a majority of
6066 voting board of trustee members.

6067 (9) The board of trustees may establish advisory committees.

6068 ~~[(10)(a)(i) Members who are not government employees shall receive no~~
6069 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
6070 ~~the performance of the member's official duties at the rates established by the Division of~~
6071 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

6072 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

6073 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~

6074 diem, or expenses from their agency for their service may receive per diem and expenses
6075 incurred in the performance of their official duties from the board of trustees at the rates
6076 established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]

6077 [(ii) State government officer and employee members may decline to receive per diem
6078 and expenses for their service.]

6079 [(c) (i) Higher education members who do not receive salary, per diem, or expenses
6080 from the entity that they represent for their service may receive per diem and expenses incurred
6081 in the performance of their official duties from the board of trustees at the rates established by
6082 the Division of Finance under Sections 63A-3-106 and 63A-3-107.]

6083 [(ii) Higher education members may decline to receive per diem and expenses for their
6084 service.]

6085 (10) A member may not receive compensation or benefits for the member's service, but
6086 may receive per diem and travel expenses in accordance with:

6087 (a) Section 63A-3-106;

6088 (b) Section 63A-3-107; and

6089 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6090 63A-3-107.

6091 Section 109. Section **53B-2a-109** is amended to read:

6092 **53B-2a-109. Campus boards of directors -- Terms -- Quorum -- Chair--**
6093 **Compensation.**

6094 (1) (a) At the first meeting of a campus board of directors after July 1, 2009:

6095 (i) the representatives from the local school boards shall divide up their positions so
6096 that approximately half of them serve for two-year terms and half serve for four-year terms;
6097 and

6098 (ii) the representatives from business and industry employers shall divide up their
6099 positions so that approximately half of them serve for two-year terms and half serve for
6100 four-year terms.

6101 (b) Except as provided in Subsection (1)(a), individuals appointed to a campus board
6102 of directors shall serve four-year terms.

6103 (2) The original appointing authority shall fill any vacancies that occur on the campus
6104 board of directors.

6105 (3) A majority of the campus board of directors is a quorum.

6106 (4) A campus board of directors shall elect a chair from its membership.

6107 ~~[(5)(a)(i) Members who are not government employees shall receive no compensation~~
6108 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
6109 ~~performance of the member's official duties from the campus board of directors at the rates~~
6110 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6111 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

6112 ~~[(b)(i) Higher education members who do not receive salary, per diem, or expenses~~
6113 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
6114 ~~in the performance of their official duties from the campus board of directors at the rates~~
6115 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6116 ~~[(ii) Higher education members may decline to receive per diem and expenses for their~~
6117 ~~service.]~~

6118 ~~[(c)(i) Members appointed by local school boards who do not receive salary, per diem,~~
6119 ~~or expenses from the entity that they represent for their service may receive per diem and~~
6120 ~~expenses incurred in the performance of their official duties from the campus board of directors~~
6121 ~~at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6122 ~~[(ii) Local school board members may decline to receive per diem and expenses for~~
6123 ~~their service.]~~

6124 (5) A member may not receive compensation or benefits for the member's service, but
6125 may receive per diem and travel expenses in accordance with:

6126 (a) Section 63A-3-106;

6127 (b) Section 63A-3-107; and

6128 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6129 63A-3-107.

6130 (6) (a) A campus board of directors may enact bylaws for its own government,
6131 including provision for regular meetings, that are in accordance with the policies of the Utah
6132 College of Applied Technology.

6133 (b) (i) The campus board of directors may provide for an executive committee in its
6134 bylaws.

6135 (ii) If established, the committee shall have the full authority of the campus board of

6136 directors to act upon routine matters during the interim between board meetings.

6137 (iii) The committee may act on nonroutine matters only under extraordinary and
6138 emergency circumstances.

6139 (iv) The committee shall report its activities to the campus board of directors at its next
6140 regular meeting following the action.

6141 (7) A campus board of directors may establish advisory committees.

6142 Section 110. Section **53B-6-105.5** is amended to read:

6143 **53B-6-105.5. Technology Initiative Advisory Board -- Composition -- Duties.**

6144 (1) There is created a Technology Initiative Advisory Board to assist and make
6145 recommendations to the State Board of Regents in its administration of the Engineering and
6146 Computer Science Initiative established under Section 53B-6-105.

6147 (2) (a) The advisory board shall consist of individuals appointed by the governor from
6148 business and industry who have expertise in the areas of engineering, computer science, and
6149 related technologies.

6150 (b) The advisory board shall select a chair and cochair.

6151 (c) The advisory board shall meet at the call of the chair.

6152 (d) The State Board of Regents, through the commissioner of higher education, shall
6153 provide staff support for the advisory board.

6154 ~~[(3) Members of the advisory board shall receive no compensation for their service on~~
6155 ~~the board, but may receive per diem and expenses incurred in the performance of their duties at~~
6156 ~~rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6157 (3) A member of an advisory board may not receive compensation or benefits for the
6158 member's service, but may receive per diem and travel expenses in accordance with:

6159 (a) Section 63A-3-106;

6160 (b) Section 63A-3-107; and

6161 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6162 63A-3-107.

6163 (4) The advisory board shall:

6164 (a) make recommendations to the State Board of Regents on the allocation and
6165 distribution of monies appropriated to fund:

6166 (i) the faculty incentive program established in Section 53B-6-105.9;

(ii) equipment purchases required to improve the quality of instructional programs in engineering, computer science, and related technology; and

(iii) the scholarship program established in Section 53B-6-105.7.

(b) prepare a strategic plan that details actions required by the State Board of Regents to meet the intent of the Engineering and Technology Science Initiative;

(c) review and assess engineering, computer science, and related technology programs currently being offered at higher education institutions and their impact on the economic prosperity of the state;

(d) provide the State Board of Regents with an assessment and reporting plan that:

(i) measures results against expectations under the initiative, including verification of the matching requirements for institutions of higher education to receive monies under Section 53B-6-105.9; and

(ii) includes an analysis of market demand for technical employment, program articulation among higher education institutions in engineering, computer science, and related technology, tracking of student placement, student admission to the initiative program by region, transfer rates, and retention in and graduation rates from the initiative program; and

(e) make an annual report of its activities to the State Board of Regents, the Legislature through the Education Interim Committee and the Higher Education Appropriations Subcommittee, and the governor.

(5) The annual report of the Technology Initiative Advisory Board shall include the summary report of the institutional matches described in Section 53B-6-105.9.

Section 111. Section **53B-17-102** is amended to read:

53B-17-102. Utah Education Network.

(1) (a) As used in this part, "Utah Education Network" and "UEN" mean a consortium and partnership between public and higher education established to:

(i) coordinate and support the telecommunications needs of public and higher education;

(ii) coordinate the various telecommunications technology initiatives of public and higher education;

(iii) provide high-quality, cost-effective Internet access and appropriate interface equipment for schools and school systems;

6198 (iv) procure, install, and maintain telecommunication services and equipment on behalf
6199 of public and higher education;

6200 (v) develop or implement other programs or services for the delivery of distance
6201 learning as directed by law; and

6202 (vi) apply for state and federal funding on behalf of public and higher education.

6203 (b) In performing the duties under this Subsection (1), UEN shall:

6204 (i) provide services to schools, school districts, and the public and higher education
6205 systems through an open and competitive bidding process;

6206 (ii) work with the private sector to deliver high-quality, cost-effective services; and

6207 (iii) avoid duplicating facilities, equipment or services of private providers of public
6208 telecommunications service, as defined under Section 54-8b-2.

6209 (2) The University of Utah shall provide administrative management for UEN.

6210 (3) (a) The governor shall appoint a statewide steering committee of representatives
6211 from public and higher education, state government, and private industry to advise UEN in the
6212 development and operation of a coordinated, statewide, multi-option telecommunications
6213 system to assist in the delivery of educational services throughout the state.

6214 (b) Except as required by Subsection (3)(c), members shall be appointed to four-year
6215 terms.

6216 (c) Notwithstanding the requirements of Subsection (3)(b), the governor shall, at the
6217 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
6218 committee members are staggered so that approximately half of the committee is appointed
6219 every two years.

6220 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
6221 appointed for the unexpired term.

6222 ~~[(e) (i) (A) Members who are not government employees shall receive no~~
6223 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
6224 ~~the performance of the member's official duties at the rates established by the Division of~~
6225 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

6226 ~~[(B) Members who are not government employees may decline to receive per diem and~~
6227 ~~expenses for their service.]~~

6228 ~~[(ii) (A) State government officer and employee members who do not receive salary,~~

6229 ~~per diem, or expenses from their agency for their service may receive per diem and expenses~~
6230 ~~incurred in the performance of their official duties from the committee at the rates established~~
6231 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6232 ~~[(B) State government officer and employee members may decline to receive per diem~~
6233 ~~and expenses for their service.]~~

6234 ~~[(iii) (A) Higher education members who do not receive salary, per diem, or expenses~~
6235 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
6236 ~~in the performance of their official duties from the committee at the rates established by the~~
6237 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6238 ~~[(B) Higher education members may decline to receive per diem and expenses for their~~
6239 ~~service.]~~

6240 (4) A member may not receive compensation or benefits for the member's service, but
6241 may receive per diem and travel expenses in accordance with:

6242 (a) Section 63A-3-106;

6243 (b) Section 63A-3-107; and

6244 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6245 63A-3-107.

6246 ~~[(4)]~~ (5) UEN shall locate and maintain educational telecommunication infrastructure
6247 throughout the state.

6248 ~~[(5)]~~ (6) Educational institutions shall manage site operations under policy established
6249 by UEN.

6250 ~~[(6)]~~ (7) Subject to future budget constraints, the Legislature shall provide an annual
6251 appropriation to operate UEN.

6252 Section 112. Section **53B-17-803** is amended to read:

6253 **53B-17-803. Advisory board created.**

6254 (1) The university shall create an advisory board known as the "Rocky Mountain
6255 Center for Occupational and Environmental Health Advisory Board" to:

6256 (a) promote occupational health and safety in Utah and the surrounding region;

6257 (b) promote the interests and mission of the center by advising the director on issues
6258 including:

6259 (i) operation of the center as a multidisciplinary, state-of-the-art program at the

6260 university;

6261 (ii) developing and maintaining state and institutional support;

6262 (iii) emerging local or regional, occupational health and safety education and research

6263 needs;

6264 (iv) continuing education and outreach to local and regional occupational health and

6265 safety professionals;

6266 (v) coordinating with other local or regional entities that promote occupational health

6267 and safety in a manner that meets the needs of both employers and employees; and

6268 (vi) grant requirements and renewal;

6269 (c) advise the director on the expenditure by the center of public funds including:

6270 (i) funds appropriated by the Legislature;

6271 (ii) donations; and

6272 (iii) federal or other grants; and

6273 (d) develop recommendations for the long-term operation of the center consistent with

6274 Section 53B-17-802.

6275 (2) (a) The board shall consist of no fewer than 15 and no more than 18 persons who

6276 represent the affected populations.

6277 (b) The university shall establish reasonable bylaws for the operation of the board

6278 including:

6279 (i) the selection of board members;

6280 (ii) quorum requirements; and

6281 (iii) voting requirements.

6282 (3) The board shall elect a board chair and vice chair from among the board members

6283 by a vote of the members.

6284 (4) (a) The board shall have an executive committee consisting of:

6285 (i) the board chair;

6286 (ii) the board vice chair; and

6287 (iii) three other board members, selected by the board chair in consultation with the

6288 director.

6289 (b) The executive committee shall meet at least quarterly to advise the center and to

6290 plan for board meetings.

6291 (5) The board chair, in consultation with the director, shall call board meetings at least
6292 two times each calendar year.

6293 (6) The board and the executive committee are subject to Title 52, Chapter 4, Open and
6294 Public Meetings Act.

6295 ~~[(7)(a) A board member may not receive compensation or per diem for the member's~~
6296 ~~services, but may receive expenses incurred in the performance of the member's official duties~~
6297 ~~at the rates established by the Division of Finance under Section 63A-3-107.]~~

6298 ~~[(b) A board member may decline to receive expenses for the member's service.]~~

6299 (7) A board member may not receive compensation or benefits for the member's
6300 service, but may receive per diem and travel expenses in accordance with:

6301 (a) Section 63A-3-106;

6302 (b) Section 63A-3-107; and

6303 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6304 63A-3-107.

6305 Section 113. Section **53C-1-203** is amended to read:

6306 **53C-1-203. Board of trustees nominating committee -- Composition --**
6307 **Responsibilities -- Per diem and expenses.**

6308 (1) There is established an 11 member board of trustees nominating committee.

6309 (2) (a) The State Board of Education shall appoint five members to the nominating
6310 committee from different geographical areas of the state.

6311 (b) The governor shall appoint five members to the nominating committee as follows:

6312 (i) one individual from a nomination list of at least two names of individuals
6313 knowledgeable about institutional trust lands submitted by the University of Utah and Utah
6314 State University on an alternating basis every four years;

6315 (ii) one individual from a nomination list of at least two names submitted by the
6316 livestock industry;

6317 (iii) one individual from a nomination list of at least two names submitted by the Utah
6318 Petroleum Association;

6319 (iv) one individual from a nomination list of at least two names submitted by the Utah
6320 Mining Association; and

6321 (v) one individual from a nomination list of at least two names submitted by the

6322 executive director of the Department of Natural Resources after consultation with statewide
6323 wildlife and conservation organizations.

6324 (c) The president of the Utah Association of Counties shall designate the chair of the
6325 Public Lands Steering Committee, who must be an elected county commissioner or councilor,
6326 to serve as the eleventh member of the nominating committee.

6327 (3) (a) Except as required by Subsection (3)(b), each member shall serve a four-year
6328 term.

6329 (b) Notwithstanding the requirements of Subsection (3)(a), the state board and the
6330 governor shall, at the time of appointment or reappointment, adjust the length of terms to
6331 ensure that the terms of committee members are staggered so that approximately half of the
6332 committee is appointed every two years.

6333 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
6334 appointed for the unexpired term.

6335 (4) The nominating committee shall select a chair from its membership by majority
6336 vote.

6337 (5) (a) The nominating committee shall nominate at least two candidates for each
6338 position or vacancy which occurs on the board of trustees except for the governor's appointee
6339 under Subsection 53C-1-202(5).

6340 (b) The nominations shall be by majority vote of the committee.

6341 ~~[(6)(a)(i) Members who are not government employees shall receive no compensation~~
6342 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
6343 ~~performance of the member's official duties at the rates established by the Division of Finance~~
6344 ~~under Sections 63A-3-106 and 63A-3-107.]~~

6345 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

6346 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
6347 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
6348 ~~incurred in the performance of their official duties from the committee at the rates established~~
6349 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6350 ~~[(ii) State government officer and employee members may decline to receive per diem~~
6351 ~~and expenses for their service.]~~

6352 ~~[(c)(i) Higher education members who do not receive salary, per diem, or expenses~~

6353 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
 6354 ~~in the performance of their official duties from the committee at the rates established by the~~
 6355 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6356 ~~[(ii) Higher education members may decline to receive per diem and expenses for their~~
 6357 ~~service.]~~

6358 (6) A member may not receive compensation or benefits for the member's service, but
 6359 may receive per diem and travel expenses in accordance with:

6360 (a) Section 63A-3-106;

6361 (b) Section 63A-3-107; and

6362 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
 6363 63A-3-107.

6364 Section 114. Section **54-8a-13** is amended to read:

6365 **54-8a-13. Underground Facilities Damage Dispute Board -- Arbitration --**
 6366 **Relationship with Public Service Commission.**

6367 (1) There is created within the commission the Underground Facilities Damage
 6368 Dispute Board to arbitrate a dispute arising from:

6369 (a) an operator's or excavator's violation of this chapter; and

6370 (b) damage caused by excavation during an emergency.

6371 (2) The board consists of five members appointed by the governor as follows:

6372 (a) one member from a list of names provided to the governor by a group representing
 6373 operators;

6374 (b) one member from a list of names provided to the governor by the Associated
 6375 General Contractors;

6376 (c) one member from a list of names provided to the governor by Blue Stakes of Utah;

6377 (d) one member from a list of names provided to the governor by the Utah Home
 6378 Builders Association; and

6379 (e) one member from the Division of Public Utilities.

6380 (3) (a) A member of the board:

6381 (i) shall be appointed for a three-year term; and

6382 (ii) may continue to serve until the member's successor takes office.

6383 (b) At the time of appointment, the governor shall stagger the terms of the members to

6384 ensure that approximately 1/3 of the members of the board are reappointed each year.

6385 (c) A vacancy in the board shall be filled:

6386 (i) for the unexpired term; and

6387 (ii) in the same manner as the board member is initially appointed.

6388 (d) The board shall select an alternate for a specific board member to serve on a

6389 specific case if it becomes necessary to replace a member who has a conflict of interest because

6390 a dispute involves that member or that member's employer.

6391 (4) Three members of the board constitute a quorum.

6392 (5) The board may, upon agreement of the disputing parties, arbitrate a dispute

6393 regarding damages, not including personal injury damages, arising between:

6394 (a) an operator;

6395 (b) an excavator;

6396 (c) a property owner; or

6397 (d) any other interested party.

6398 (6) At least four members of the board shall be present and vote on an arbitration

6399 decision.

6400 (7) An arbitration before the board shall be consistent with Title 78B, Chapter 11, Utah

6401 Uniform Arbitration Act.

6402 (8) The prevailing party in an arbitration conducted under this section shall be awarded

6403 its costs and attorney fees in an amount determined by the board.

6404 ~~[(9)(a) A member of the board who is not a state officer or employee or local~~
6405 ~~government officer or employee shall receive no compensation or benefits for the member's~~
6406 ~~service, but may receive per diem and expenses incurred in the performance of the member's~~
6407 ~~duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~
6408 ~~63A-3-107. Members may decline to receive per diem and expenses for their services.]~~

6409 ~~[(b) A state officer or employee or local government officer or employee member of~~
6410 ~~the board who does not receive salary, per diem, or expenses from their agency or employer for~~
6411 ~~their service on the board may receive per diem and expenses incurred in the performance of~~
6412 ~~the member's duties at the rates established by the Division of Finance under Sections~~
6413 ~~63A-3-106 and 63A-3-107. State and local government officer or employee members may~~
6414 ~~decline to receive per diem and expenses for their services.]~~

6415 (9) A member may not receive compensation or benefits for the member's service, but
6416 may receive per diem and travel expenses in accordance with:

6417 (a) Section 63A-3-106;

6418 (b) Section 63A-3-107; and

6419 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6420 63A-3-107.

6421 (10) The commission shall provide administrative support to the board.

6422 Section 115. Section **54-10a-202** is amended to read:

6423 **54-10a-202. Committee of Consumer Services.**

6424 (1) (a) There is created within the office a committee known as the "Committee of
6425 Consumer Services."

6426 (b) A member of the committee shall maintain the member's principal residence within
6427 Utah.

6428 (2) (a) The governor shall appoint nine members to the committee subject to
6429 Subsection (3).

6430 (b) Except as required by Subsection (2)(c), as terms of current committee members
6431 expire, the governor shall appoint a new member or reappointed member to a four-year term.

6432 (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the
6433 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
6434 committee members are staggered so that approximately half of the committee is appointed
6435 every two years.

6436 (d) When a vacancy occurs in the membership for any reason, the governor shall
6437 appoint a replacement for the unexpired term.

6438 (3) Members of the committee shall represent the following geographic and consumer
6439 interests:

6440 (a) one member shall be from Salt Lake City, Provo, or Ogden;

6441 (b) one member shall be from a city other than Salt Lake City, Provo, or Ogden;

6442 (c) one member shall be from an unincorporated area of the state;

6443 (d) one member shall be a low-income resident;

6444 (e) one member shall be a retired person;

6445 (f) one member shall be a small commercial consumer;

6446 (g) one member shall be a farmer or rancher who uses electric power to pump water in
6447 the member's farming or ranching operation;

6448 (h) one member shall be a residential consumer; and

6449 (i) one member shall be appointed to provide geographic diversity on the committee to
6450 ensure to the extent possible that all areas of the state are represented.

6451 (4) (a) No more than five members of the committee shall be from the same political
6452 party.

6453 (b) Subject to Subsection (3), for a member of the committee appointed on or after
6454 May 12, 2009, the governor shall appoint, to the extent possible, an individual with expertise or
6455 experience in:

6456 (i) public utility matters related to consumers;

6457 (ii) economics;

6458 (iii) accounting;

6459 (iv) financing;

6460 (v) engineering; or

6461 (vi) public utilities law.

6462 (5) The governor shall designate one member as chair of the committee.

6463 ~~[(6)(a) A member of the committee may not receive compensation or benefits for the~~
6464 ~~member's services, but may receive per diem and expenses incurred in the performance of the~~
6465 ~~member's official duties at the rates established by the Division of Finance under Sections~~
6466 ~~63A-3-106 and 63A-3-107.]~~

6467 ~~[(b) A member may decline to receive per diem and expenses for the member's~~
6468 ~~service.]~~

6469 (6) A member may not receive compensation or benefits for the member's service, but
6470 may receive per diem and travel expenses in accordance with:

6471 (a) Section 63A-3-106;

6472 (b) Section 63A-3-107; and

6473 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6474 63A-3-107.

6475 (7) (a) The committee may hold monthly meetings.

6476 (b) The committee may hold other meetings, at the times and places the chair and a

6477 majority of the committee determine.

6478 (8) (a) Five members of the committee constitute a quorum of the committee.

6479 (b) A majority of members voting when a quorum is present constitutes an action of
6480 the committee.

6481 Section 116. Section **54-14-301** is amended to read:

6482 **54-14-301. Creation, purpose, and composition of board.**

6483 (1) The Utility Facility Review Board is created within the Department of Commerce
6484 to resolve disputes between local governments and public utilities regarding the siting and
6485 construction of facilities as provided in this part.

6486 (2) The board shall be composed of:

6487 (a) the three members of the commission;

6488 (b) an individual appointed by the governor from a list of nominees of the Utah League
6489 of Cities and Towns; and

6490 (c) an individual appointed by the governor from a list of nominees of the Utah
6491 Association of Counties.

6492 (3) The chair of the commission shall serve as chair of the board.

6493 (4) Members of the commission shall serve as members of the board during their terms
6494 of office as commissioners and until their successors on the commission have been appointed
6495 and taken office.

6496 (5) (a) Members of the board who are not commissioners:

6497 (i) shall have four-year terms, except the initial term of the individual first appointed
6498 by the governor from nominees of the Utah Association of Counties shall be two years;

6499 (ii) may be appointed for one succeeding term; and

6500 (iii) may continue to serve until their successor takes office.

6501 (b) Vacancies in the board of members who are not commissioners shall be filled for
6502 the unexpired term.

6503 (6) Three members of the board constitute a quorum.

6504 (7) A member of the board may be removed for cause by the governor.

6505 ~~[(8) (a) (i) Members who are not state or local government employees shall receive no~~
6506 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
6507 ~~the performance of the member's official duties at the rates established by the Division of~~

6508 Finance under Sections 63A-3-106 and 63A-3-107.]

6509 [(ii) Members may decline to receive per diem and expenses for their service.]

6510 [(b) (i) State government officer and employee members who do not receive salary, per
6511 diem, or expenses from their agency for their service may receive per diem and expenses
6512 incurred in the performance of their official duties from the board at the rates established by the
6513 Division of Finance under Sections 63A-3-106 and 63A-3-107.]

6514 [(ii) State government officer and employee members may decline to receive per diem
6515 and expenses for their service.]

6516 [(c) (i) Local government members who do not receive salary, per diem, or expenses
6517 from their employer for their service on the board may receive per diem and expenses incurred
6518 in the performance of their official duties at the rates established by the Division of Finance
6519 under Sections 63A-3-106 and 63A-3-107.]

6520 [(ii) Local government members may decline to receive per diem and expenses for
6521 their service.]

6522 (8) A member may not receive compensation or benefits for the member's service, but
6523 may receive per diem and travel expenses in accordance with:

6524 (a) Section 63A-3-106;

6525 (b) Section 63A-3-107; and

6526 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6527 63A-3-107.

6528 Section 117. Section **58-1-201** is amended to read:

6529 **58-1-201. Boards -- Appointment -- Membership -- Terms -- Vacancies --**
6530 **Quorum -- Per diem and expenses -- Chair -- Financial interest or faculty position in**
6531 **professional school teaching continuing education prohibited.**

6532 (1) (a) The executive director shall appoint the members of the boards established
6533 under this title. In appointing these members the executive director shall give consideration to
6534 recommendations by members of the respective occupations and professions and by their
6535 organizations.

6536 (b) Each board shall be composed of five members, four of whom shall be licensed or
6537 certified practitioners in good standing of the occupation or profession the board represents,
6538 and one of whom shall be a member of the general public, unless otherwise provided under the

6539 specific licensing chapter.

6540 (c) The names of all persons appointed to boards shall be submitted to the governor for
6541 confirmation or rejection. If an appointee is rejected by the governor, the executive director
6542 shall appoint another person in the same manner as set forth in Subsection (1)(a).

6543 (2) (a) Except as required by Subsection (2)(b), as terms of current board members
6544 expire, the executive director shall appoint each new member or reappointed member to a
6545 four-year term.

6546 (b) Notwithstanding the requirements of Subsection (2)(a), the executive director shall,
6547 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
6548 of board members are staggered so that approximately half of the board is appointed every two
6549 years.

6550 (c) A board member may not serve more than two consecutive terms, and a board
6551 member who ceases to serve on a board may not serve again on that board until after the
6552 expiration of a two-year period beginning from that cessation of service.

6553 (d) (i) When a vacancy occurs in the membership for any reason, the replacement shall
6554 be appointed for the unexpired term.

6555 (ii) After filling that term, the replacement member may be appointed for only one
6556 additional full term.

6557 (e) If a board member fails or refuses to fulfill the responsibilities and duties of a board
6558 member, including the attendance at board meetings, the executive director with the approval
6559 of the board may remove the board member and replace the member in accordance with this
6560 section.

6561 (3) A majority of the board members constitutes a quorum. A quorum is sufficient
6562 authority for the board to act.

6563 ~~[(4) (a) (i) Members who are not government employees shall receive no compensation~~
6564 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
6565 ~~performance of the member's official duties at the rates established by the Division of Finance~~
6566 ~~under Sections 63A-3-106 and 63A-3-107.]~~

6567 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

6568 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~
6569 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~

6570 incurred in the performance of their official duties from the board at the rates established by the
6571 Division of Finance under Sections 63A-3-106 and 63A-3-107.]

6572 [(ii) State government officer and employee members may decline to receive per diem
6573 and expenses for their service.]

6574 (4) A member may not receive compensation or benefits for the member's service, but
6575 may receive per diem and travel expenses in accordance with:

6576 (a) Section 63A-3-106;

6577 (b) Section 63A-3-107; and

6578 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6579 63A-3-107.

6580 (5) Each board shall annually designate one of its members to serve as chair for a
6581 one-year period.

6582 (6) A board member may not be a member of the faculty of or have any financial
6583 interest in any vocational or professional college or school which provides continuing
6584 education to any licensee if that continuing education is required by statute or rule.

6585 Section 118. Section **58-1-402** is amended to read:

6586 **58-1-402. Administrative review -- Special appeals boards.**

6587 (1) (a) Any applicant who has been denied a license to practice on the basis of
6588 credentials, character, or failure to pass a required examination, or who has been refused
6589 renewal or reinstatement of a license to practice on the basis that the applicant does not meet
6590 qualifications for continued licensure in any occupation or profession under the jurisdiction of
6591 the division may submit a request for agency review to the executive director within 30 days
6592 following notification of the denial of a license or refusal to renew or reinstate a license.

6593 (b) The executive director shall determine whether the circumstances for denying an
6594 application for an initial license or for renewal or reinstatement of a license would justify
6595 calling a special appeals board under Subsection (2). The executive director's decision is not
6596 subject to agency review.

6597 (2) A special appeals board shall consist of three members appointed by the executive
6598 director as follows:

6599 (a) one member from the occupation or profession in question who is not on the board
6600 of that occupation or profession;

(b) one member from the general public who is neither an attorney nor a practitioner in an occupation or profession regulated by the division; and

(c) one member who is a resident lawyer currently licensed to practice law in this state who shall serve as chair of the special appeals board.

(3) The special appeals board shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in its proceedings.

(4) (a) Within a reasonable amount of time following the conclusion of a hearing before a special appeals board, the board shall enter an order based upon the record developed at the hearing. The order shall state whether a legal basis exists for denying the application for an initial license or for renewal or reinstatement of a license that is the subject of the appeal. The order is not subject to further agency review.

(b) The division or the applicant may obtain judicial review of the decision of the special appeals board in accordance with Sections 63G-4-401 and 63G-4-403.

~~[(5) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(b) Members may decline to receive per diem and expenses for their service.]~~

(5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(6) If an applicant under Subsection (1) is not given a special appeals board, the applicant shall be given agency review under the ordinary agency review procedures specified by rule.

Section 119. Section **58-54-3** is amended to read:

58-54-3. Board created -- Membership -- Duties.

(1) There is created a Radiology Technologist Licensing Board consisting of seven members as follows:

(a) four licensed radiology technologists;

- 6632 (b) one licensed radiology practical technician;
6633 (c) one radiologist; and
6634 (d) one member from the general public.
- 6635 (2) The board shall be appointed in accordance with Section 58-1-201.
- 6636 (3) The duties and responsibilities of the board shall be in accordance with Sections
6637 58-1-202 and 58-1-203.
- 6638 (4) In accordance with Subsection 58-1-203(6), there is established an advisory peer
6639 committee to the board consisting of eight members broadly representative of the state and
6640 including:
- 6641 (a) one licensed physician and surgeon who is not a radiologist and who uses radiology
6642 equipment in a rural office-based practice, appointed from among recommendations of the
6643 Physicians Licensing Board;
- 6644 (b) one licensed physician and surgeon who is not a radiologist and who uses radiology
6645 equipment in an urban office-based practice, appointed from among recommendations of the
6646 Physicians Licensing Board;
- 6647 (c) one licensed physician and surgeon who is a radiologist practicing in radiology,
6648 appointed from among recommendations of the Physicians Licensing Board;
- 6649 (d) one licensed osteopathic physician, appointed from among recommendations of the
6650 Osteopathic Physicians Licensing Board;
- 6651 (e) one licensed chiropractic physician, appointed from among recommendations of the
6652 Chiropractors Licensing Board;
- 6653 (f) one licensed podiatric physician, appointed from among recommendations of the
6654 Podiatric Physician Board;
- 6655 (g) one representative of the state agency with primary responsibility for regulation of
6656 sources of radiation, recommended by that agency; and
- 6657 (h) one representative of a general acute hospital, as defined in Section 26-21-2, that is
6658 located in a rural area of the state.
- 6659 (5) (a) Except as required by Subsection (5)(b), members of the advisory peer
6660 committee shall be appointed to four-year terms by the director in collaboration with the board
6661 from among the recommendations.
- 6662 (b) Notwithstanding the requirements of Subsection (5)(a), the director shall, at the

6663 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
6664 committee members are staggered so that approximately half of the committee is appointed
6665 every two years.

6666 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
6667 appointed for the unexpired term.

6668 ~~[(6)(a)(i) Members who are not government employees shall receive no compensation~~
6669 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
6670 ~~performance of the member's official duties at the rates established by the Division of Finance~~
6671 ~~under Sections 63A-3-106 and 63A-3-107.]~~

6672 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

6673 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
6674 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
6675 ~~incurred in the performance of their official duties from the committee at the rates established~~
6676 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6677 ~~[(ii) State government officer and employee members may decline to receive per diem~~
6678 ~~and expenses for their service.]~~

6679 (6) A member may not receive compensation or benefits for the member's service, but
6680 may receive per diem and travel expenses in accordance with:

6681 (a) Section 63A-3-106;

6682 (b) Section 63A-3-107; and

6683 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6684 63A-3-107.

6685 (7) The duties, responsibilities, and scope of authority of the advisory peer committee
6686 are:

6687 (a) to advise the board with respect to the board's fulfillment of its duties, functions,
6688 and responsibilities under Sections 58-1-202 and 58-1-203; and

6689 (b) to advise the division with respect to the examination the division is to adopt by
6690 rule, by which a radiology practical technician may qualify for licensure under Section 58-54-5.

6691 Section 120. Section **58-55-103** is amended to read:

6692 **58-55-103. Construction Services Commission created -- Functions --**

6693 **Appointment -- Qualifications and terms of members -- Vacancies -- Expenses --**

6694 **Meetings.**

6695 (1) (a) There is created within the division the Construction Services Commission.

6696 (b) The commission shall:

6697 (i) with the concurrence of the director, make reasonable rules under Title 63G,
6698 Chapter 3, Utah Administrative Rulemaking Act, to administer and enforce this chapter which
6699 are consistent with this chapter including:

6700 (A) licensing of various licensees;

6701 (B) examination requirements and administration of the examinations, to include
6702 approving and establishing a passing score for applicant examinations;

6703 (C) standards of supervision for students or persons in training to become qualified to
6704 obtain a license in the trade they represent; and

6705 (D) standards of conduct for various licensees;

6706 (ii) approve or disapprove fees adopted by the division under Section 63J-1-504;

6707 (iii) except where the boards conduct them, conduct all administrative hearings not
6708 delegated to an administrative law judge relating to the licensing of any applicant;

6709 (iv) except as otherwise provided in Sections 38-11-207 and 58-55-503, with the
6710 concurrence of the director, impose sanctions against licensees and certificate holders with the
6711 same authority as the division under Section 58-1-401;

6712 (v) advise the director on the administration and enforcement of any matters affecting
6713 the division and the construction industry;

6714 (vi) advise the director on matters affecting the division budget;

6715 (vii) advise and assist trade associations in conducting construction trade seminars and
6716 industry education and promotion; and

6717 (viii) perform other duties as provided by this chapter.

6718 (2) (a) Initially the commission shall be comprised of the five members of the
6719 Contractors Licensing Board and two of the three chair persons from the Plumbers Licensing
6720 Board, the Alarm System Security and Licensing Board, and the Electricians Licensing Board.

6721 (b) The terms of office of the commission members who are serving on the Contractors
6722 Licensing Board shall continue as they serve on the commission.

6723 (c) Beginning July 1, 2004, the commission shall be comprised of nine members
6724 appointed by the executive director with the approval of the governor from the following

6725 groups:

- 6726 (i) one member shall be a licensed general engineering contractor;
6727 (ii) one member shall be a licensed general building contractor;
6728 (iii) two members shall be licensed residential and small commercial contractors;
6729 (iv) three members shall be the three chair persons from the Plumbers Licensing Board,
6730 the Alarm System Security and Licensing Board, and the Electricians Licensing Board; and
6731 (v) two members shall be from the general public, provided, however that the certified
6732 public accountant on the Contractors Licensing Board will continue to serve until the current
6733 term expires, after which both members under this Subsection (2)(c)(v) shall be appointed from
6734 the general public.

6735 (3) (a) Except as required by Subsection (3)(b), as terms of current commission
6736 members expire, the executive director with the approval of the governor shall appoint each
6737 new member or reappointed member to a four-year term ending June 30.

6738 (b) Notwithstanding the requirements of Subsection (3)(a), the executive director with
6739 the approval of the governor shall, at the time of appointment or reappointment, adjust the
6740 length of terms to stagger the terms of commission members so that approximately 1/2 of the
6741 commission members are appointed every two years.

6742 (c) A commission member may not serve more than two consecutive terms.

6743 (4) The commission shall elect annually one of its members as chair, for a term of one
6744 year.

6745 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
6746 appointed for the unexpired term.

6747 ~~[(6)(a) Members may not receive compensation or benefits for their services, but may~~
6748 ~~receive per diem and expenses incurred in the performance of the members' official duties at~~
6749 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6750 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

6751 (6) A member may not receive compensation or benefits for the member's service, but
6752 may receive per diem and travel expenses in accordance with:

6753 (a) Section 63A-3-106;

6754 (b) Section 63A-3-107; and

6755 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

6756 63A-3-107.

6757 (7) (a) The commission shall meet at least monthly unless the director determines
6758 otherwise.

6759 (b) The director may call additional meetings at the director's discretion, upon the
6760 request of the chair, or upon the written request of four or more commission members.

6761 (8) (a) Five members constitute a quorum for the transaction of business.

6762 (b) If a quorum is present when a vote is taken, the affirmative vote of commission
6763 members present is the act of the commission.

6764 (9) The commission shall comply with the procedures and requirements of Title 13,
6765 Chapter 1, Department of Commerce, and Title 63G, Chapter 4, Administrative Procedures
6766 Act, in all of its adjudicative proceedings.

6767 Section 121. Section **58-56-5** is amended to read:

6768 **58-56-5. Uniform Building Code Commission -- Composition of commission --**
6769 **Commission duties and responsibilities.**

6770 (1) There is established a Uniform Building Code Commission to advise the division
6771 with respect to the division's responsibilities in administering the codes under this chapter.

6772 (2) The commission shall be appointed by the executive director who shall submit
6773 those nominations to the governor for confirmation or rejection. If a nominee is rejected,
6774 alternative names shall be submitted until confirmation is received. Following confirmation by
6775 the governor, the appointment is effective.

6776 (3) The commission shall consist of eleven members who shall be appointed in
6777 accordance with the following:

6778 (a) one member shall be from among candidates nominated by the Utah League of
6779 Cities and Towns and the Utah Association of Counties;

6780 (b) one member shall be a licensed building inspector employed by a political
6781 subdivision of the state;

6782 (c) one member shall be a licensed professional engineer;

6783 (d) one member shall be a licensed architect;

6784 (e) one member shall be a fire official;

6785 (f) three members shall be contractors licensed by the state, of which one shall be a
6786 general contractor, one an electrical contractor, and one a plumbing contractor;

6787 (g) two members shall be from the general public and have no affiliation with the
6788 construction industry or real estate development industry; and

6789 (h) one member shall be from the Division of Facilities Construction Management,
6790 Department of Administrative Services.

6791 (4) (a) Except as required by Subsection (4)(b), as terms of current commission
6792 members expire, the executive director shall appoint each new member or reappointed member
6793 to a four-year term.

6794 (b) Notwithstanding the requirements of Subsection (4)(a), the executive director shall,
6795 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
6796 of commission members are staggered so that approximately half of the commission is
6797 appointed every two years.

6798 (5) When a vacancy occurs in the membership for any reason, the executive director
6799 shall appoint a replacement for the unexpired term.

6800 (6) No commission member may serve more than two full terms, and no commission
6801 member who ceases to serve may again serve on the commission until after the expiration of
6802 two years from the date of cessation of service.

6803 (7) A majority of the commission members shall constitute a quorum and may act on
6804 behalf of the commission.

6805 ~~[(8)(a)(i) Members who are not government employees shall receive no compensation~~
6806 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
6807 ~~performance of the member's official duties at the rates established by the Division of Finance~~
6808 ~~under Sections 63A-3-106 and 63A-3-107.]~~

6809 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

6810 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
6811 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
6812 ~~incurred in the performance of their official duties from the commission at the rates established~~
6813 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6814 ~~[(ii) State government officer and employee members may decline to receive per diem~~
6815 ~~and expenses for their service.]~~

6816 ~~[(c)(i) Local government members who do not receive salary, per diem, or expenses~~
6817 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~

6818 in the performance of their official duties at the rates established by the Division of Finance
6819 under Sections 63A-3-106 and 63A-3-107.]

6820 [(ii) Local government members may decline to receive per diem and expenses for
6821 their service.]

6822 (8) A member may not receive compensation or benefits for the member's service, but
6823 may receive per diem and travel expenses in accordance with:

6824 (a) Section 63A-3-106;

6825 (b) Section 63A-3-107; and

6826 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6827 63A-3-107.

6828 (9) (a) The commission shall annually designate one of its members to serve as chair of
6829 the commission.

6830 (b) The division shall provide a secretary to facilitate the function of the commission
6831 and to record its actions and recommendations.

6832 (10) The commission shall:

6833 (a) in accordance with Section 58-56-4, make a report to the Business and Labor
6834 Interim Committee by no later than November 30 of each year;

6835 (b) ensure that the report includes recommendations as to whether or not the
6836 Legislature should take legislative action, excluding any recommendations on the fire code;

6837 (c) offer an opinion regarding the interpretation of or the application of an adopted
6838 code, excluding the fire code, or an approved code if a party submits a request for an opinion;

6839 (d) act as an appeals board as provided in Section 58-56-8;

6840 (e) establish advisory peer committees on either a standing or ad hoc basis to advise the
6841 commission with respect to matters related to an adopted code, excluding the fire code, or
6842 approved code, including a committee to advise the commission regarding health matters
6843 related to the plumbing code; and

6844 (f) assist the division in overseeing code-related training in accordance with Section
6845 58-56-9.

6846 (11) A party requesting an opinion under Subsection (10)(c) shall submit a formal
6847 request clearly stating:

6848 (a) the facts in question;

6849 (b) the specific code citation at issue; and

6850 (c) the position taken by all parties.

6851 Section 122. Section **59-1-905** is amended to read:

6852 **59-1-905. Compensation of members -- Expenses -- Recommendations.**

6853 ~~[(1) (a) (i) Members who are not government employees shall receive no compensation~~
6854 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
6855 ~~performance of the member's official duties at the rates established by the Division of Finance~~
6856 ~~under Sections 63A-3-106 and 63A-3-107.]~~

6857 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

6858 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~
6859 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
6860 ~~incurred in the performance of their official duties from the commission at the rates established~~
6861 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6862 ~~[(ii) State government officer and employee members may decline to receive per diem~~
6863 ~~and expenses for their service.]~~

6864 ~~[(c) Legislators on the committee shall receive compensation and expenses as provided~~
6865 ~~by law and legislative rule.]~~

6866 (1) A member may not receive compensation or benefits for the member's service, but
6867 may receive per diem and travel expenses in accordance with:

6868 (a) Section 63A-3-106;

6869 (b) Section 63A-3-107; and

6870 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6871 63A-3-107.

6872 (2) Prior to the convening of the Legislature in annual general session, the review
6873 commission shall submit its recommendations to the members of the Legislature and to the
6874 governor.

6875 Section 123. Section **61-1-18.5** is amended to read:

6876 **61-1-18.5. Securities Commission -- Transition.**

6877 (1) (a) There is created a Securities Commission.

6878 (b) The division shall provide staffing to the commission.

6879 (2) (a) The commission shall:

6880 (i) formulate and make recommendations to the director regarding policy and
6881 budgetary matters;

6882 (ii) submit recommendations regarding registration requirements;

6883 (iii) formulate and make recommendations to the director regarding the establishment
6884 of reasonable fees;

6885 (iv) act in an advisory capacity to the director with respect to the exercise of the
6886 director's duties, powers, and responsibilities;

6887 (v) conduct an administrative hearing under this chapter that is not:

6888 (A) delegated by the commission to an administrative law judge or the division relating
6889 to a violation of this chapter; or

6890 (B) expressly delegated to the division under this chapter;

6891 (vi) except as provided in Subsection (2)(b), impose a sanction as provided in this
6892 chapter;

6893 (vii) review rules made by the division for purposes of concurrence in accordance with
6894 Section 61-1-24; and

6895 (viii) perform other duties as this chapter provides.

6896 (b) (i) The commission may delegate to the division the authority to impose a sanction
6897 under this chapter.

6898 (ii) If under Subsection (2)(b)(i) the commission delegates to the division the authority
6899 to impose a sanction, a person who is subject to the sanction may petition the commission for
6900 review of the sanction.

6901 (iii) A person who is sanctioned by the division in accordance with this Subsection
6902 (2)(b) may seek agency review by the executive director only after the commission reviews the
6903 division's action.

6904 (3) (a) The governor shall appoint five members to the commission with the consent of
6905 the Senate as follows:

6906 (i) two members from the securities brokerage community:

6907 (A) who are not from the same broker-dealer or affiliate; and

6908 (B) who have at least five years prior experience in securities matters;

6909 (ii) one member from the securities section of the Utah State Bar:

6910 (A) whose practice primarily involves:

6911 (I) corporate securities; or
6912 (II) representation of plaintiffs in securities cases;
6913 (B) who does not routinely represent clients involved in:
6914 (I) civil or administrative litigation with the division; or
6915 (II) criminal cases brought under this chapter; and
6916 (C) who has at least five years prior experience in securities matters;
6917 (iii) one member who is an officer or director of a business entity not subject to the
6918 reporting requirements of Section 13 or 15(d) of the Securities Exchange Act of 1934 ; and
6919 (iv) one member from the public at large who has no active participation in the
6920 securities business.
6921 (b) A member may not serve more than two consecutive terms.
6922 (4) (a) Except as required by Subsection (4)(b) and subject to Subsection (4)(c), as
6923 terms of current members expire, the governor shall appoint a new member or reappointed
6924 member to a four-year term.
6925 (b) Notwithstanding Subsection (4)(a), the governor shall, at the time of appointment
6926 or reappointment, adjust the length of terms to ensure that the terms of commission members
6927 are staggered so that approximately half of the commission is appointed every two years.
6928 (c) For purposes of making an appointment to the commission, the governor:
6929 (i) shall as of May 12, 2009:
6930 (A) appoint all five members of the commission; and
6931 (B) stagger the terms of the five members of the commission to comply with
6932 Subsection (4)(b); and
6933 (ii) may not consider the commission an extension of the previous Securities Advisory
6934 Board.
6935 (d) When a vacancy occurs in the membership for any reason, the governor shall
6936 appoint a replacement member for the unexpired term.
6937 (e) A member shall serve until the member's respective successor is appointed and
6938 qualified.
6939 (f) The commission shall annually select one member to serve as chair of the
6940 commission.
6941 (5) (a) The commission shall meet:

- 6942 (i) at least quarterly on a regular date to be fixed by the commission; and
6943 (ii) at such other times at the call of:
6944 (A) the director; or
6945 (B) any two members of the commission.
- 6946 (b) A majority of the commission shall constitute a quorum for the transaction of
6947 business.
- 6948 (c) An action of the commission requires a vote of a majority of members present.
- 6949 (6) A member of the commission shall, by sworn and written statement filed with the
6950 Department of Commerce and the lieutenant governor, disclose any position of employment or
6951 ownership interest that the member has with respect to an entity or business subject to the
6952 jurisdiction of the division or commission. This statement shall be filed upon appointment and
6953 must be appropriately amended whenever significant changes occur in matters covered by the
6954 statement.
- 6955 ~~[(7)(a) A member may not receive compensation or benefits for the member's services,~~
6956 ~~but may receive per diem and expenses incurred in the performance of the member's official~~
6957 ~~duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~
6958 ~~63A-3-107.]~~
- 6959 ~~[(b) A member may decline to receive per diem and expenses for the member's~~
6960 ~~service.]~~
- 6961 (7) A member may not receive compensation or benefits for the member's service, but
6962 may receive per diem and travel expenses in accordance with:
- 6963 (a) Section 63A-3-106;
6964 (b) Section 63A-3-107; and
6965 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6966 63A-3-107.
- 6967 (8) (a) A rule or form made by the division under this section that is in effect on May
6968 11, 2009, is considered to have been concurred with by the commission as of May 12, 2009,
6969 until the commission acts on the rule or form.
- 6970 (b) For a civil or administrative action pending under this chapter as of May 12, 2009,
6971 brought under the authority of division under this chapter as in effect May 11, 2009 that may be
6972 brought only by the commission under this chapter as in effect on May 12, 2009:

6973 (i) the action shall be considered brought by the commission; and
6974 (ii) the commission may take any act authorized under this chapter regarding that
6975 action.

6976 Section 124. Section **61-2-5.5** is amended to read:

6977 **61-2-5.5. Real Estate Commission.**

6978 (1) There is created within the division a Real Estate Commission. The commission
6979 shall:

6980 (a) make rules for the administration of this chapter that are not inconsistent with this
6981 chapter, including:

6982 (i) licensing of:

6983 (A) principal brokers;

6984 (B) associate brokers;

6985 (C) sales agents;

6986 (D) real estate companies; and

6987 (E) branch offices;

6988 (ii) prelicensing and postlicensing education curricula;

6989 (iii) examination procedures;

6990 (iv) the certification and conduct of:

6991 (A) real estate schools;

6992 (B) course providers; and

6993 (C) instructors;

6994 (v) proper handling of funds received by real estate licensees;

6995 (vi) brokerage office procedures and recordkeeping requirements;

6996 (vii) property management;

6997 (viii) standards of conduct for real estate licensees;

6998 (ix) rules made under Section 61-2-26 regarding an undivided fractionalized long-term
6999 estate; and

7000 (x) if the commission determines necessary, rules as provided in Subsection 61-2-20(3)
7001 regarding legal forms;

7002 (b) establish, with the concurrence of the division, all fees as provided in this chapter
7003 and Title 61, Chapter 2a, Real Estate Recovery Fund Act;

7004 (c) conduct all administrative hearings not delegated by the commission to an
7005 administrative law judge or the division relating to the:

7006 (i) licensing of any applicant;
7007 (ii) conduct of any licensee;
7008 (iii) the certification or conduct of any real estate school, course provider, or instructor
7009 regulated under this chapter; or
7010 (iv) violation of this chapter by any person;
7011 (d) with the concurrence of the director, impose sanctions as provided in Section
7012 61-2-12;

7013 (e) advise the director on the administration and enforcement of any matters affecting
7014 the division and the real estate sales and property management industries;
7015 (f) advise the director on matters affecting the division budget;
7016 (g) advise and assist the director in conducting real estate seminars; and
7017 (h) perform other duties as provided by:
7018 (i) this chapter; and
7019 (ii) Title 61, Chapter 2a, Real Estate Recovery Fund Act.

7020 (2) (a) The commission shall be comprised of five members appointed by the governor
7021 and approved by the Senate.

7022 (b) Four of the commission members shall:
7023 (i) have at least five years' experience in the real estate business; and
7024 (ii) hold an active principal broker, associate broker, or sales agent license.

7025 (c) One commission member shall be a member of the general public.
7026 (d) No more than one commission member described in Subsection (2)(b) shall at the
7027 time of appointment reside in any given county in the state.

7028 (e) At least one commission member described in Subsection (2)(b) shall at the time of
7029 an appointment reside in a county that is not a county of the first or second class.

7030 (3) (a) Except as required by Subsection (3)(b), as terms of current commission
7031 members expire, the governor shall appoint each new member or reappointed member to a
7032 four-year term ending June 30.

7033 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
7034 time of appointment or reappointment, adjust the length of terms to ensure that the terms of

7035 commission members are staggered so that approximately half of the commission is appointed
7036 every two years.

7037 (c) Upon the expiration of the term of a member of the commission, the member of the
7038 commission shall continue to hold office until a successor is appointed and qualified.

7039 (d) A commission member may not serve more than two consecutive terms.

7040 (e) Members of the commission shall annually select one member to serve as chair.

7041 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
7042 appointed for the unexpired term.

7043 ~~[(5) (a) A member may not receive compensation or benefits for the member's services,~~
7044 ~~but may receive per diem and expenses incurred in the performance of the member's official~~
7045 ~~duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~
7046 ~~63A-3-107.]~~

7047 ~~[(b) A member may decline to receive per diem and expenses for the member's service:]~~

7048 (5) A member may not receive compensation or benefits for the member's service, but
7049 may receive per diem and travel expenses in accordance with:

7050 (a) Section 63A-3-106;

7051 (b) Section 63A-3-107; and

7052 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7053 63A-3-107.

7054 (6) (a) The commission shall meet at least monthly.

7055 (b) The director may call additional meetings:

7056 (i) at the director's discretion;

7057 (ii) upon the request of the chair; or

7058 (iii) upon the written request of three or more commission members.

7059 (7) Three members of the commission constitute a quorum for the transaction of
7060 business.

7061 Section 125. Section **61-2b-7** is amended to read:

7062 **61-2b-7. Real Estate Appraiser Licensing and Certification Board.**

7063 (1) (a) There is established a Real Estate Appraiser Licensing and Certification Board
7064 which shall consist of five regular members as follows:

7065 (i) one state-licensed or state-certified appraiser who may be either a residential or

7066 general licensee or certificate holder;

7067 (ii) one state-certified residential appraiser;

7068 (iii) one state-certified general appraiser;

7069 (iv) one member who is certified as either a state-certified residential appraiser or a
7070 state-certified general appraiser; and

7071 (v) one member of the general public.

7072 (b) A state-licensed or state-certified appraiser may be appointed as an alternate
7073 member of the board.

7074 (c) The governor shall appoint all members of the board with the consent of the Senate.

7075 (2) (a) Except as required by Subsection (2)(b), as terms of current board members
7076 expire, the governor shall appoint each new member or reappointed member to a four-year
7077 term beginning on July 1.

7078 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
7079 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
7080 board members are staggered so that approximately half of the board is appointed every two
7081 years.

7082 (c) Upon the expiration of a member's term, a member of the board shall continue to
7083 hold office until the appointment and qualification of the member's successor.

7084 (d) A person may not serve as a member of the board for more than two consecutive
7085 terms.

7086 (3) (a) When a vacancy occurs in the membership for any reason, the replacement shall
7087 be appointed for the unexpired term.

7088 (b) The governor may remove a board member for cause.

7089 (4) The public member of the board may not be licensed or certified under this chapter.

7090 (5) The board shall meet at least quarterly to conduct its business. Public notice shall
7091 be given for all board meetings.

7092 (6) The members of the board shall elect a chair annually from among the members to
7093 preside at board meetings.

7094 ~~[(7) (a) A member who is not a government employee may not receive compensation~~
7095 ~~or benefits for the member's services, but may receive per diem and expenses incurred in the~~
7096 ~~performance of the member's official duties at the rates established by the Division of Finance~~

7097 ~~under Sections 63A-3-106 and 63A-3-107.]~~

7098 ~~[(b) A member may decline to receive per diem and expenses for the member's~~
7099 ~~service.]~~

7100 (7) A member may not receive compensation or benefits for the member's service, but
7101 may receive per diem and travel expenses in accordance with:

7102 (a) Section 63A-3-106;

7103 (b) Section 63A-3-107; and

7104 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7105 63A-3-107.

7106 (8) (a) Three members of the board shall constitute a quorum for the transaction of
7107 business.

7108 (b) If a quorum of members is unavailable for any meeting, the alternate member of the
7109 board, if any, shall serve as a regular member of the board for that meeting if with the presence
7110 of the alternate member a quorum is present at the meeting.

7111 Section 126. Section **61-2c-104 (Effective 01/01/10)** is amended to read:

7112 **61-2c-104 (Effective 01/01/10). Residential Mortgage Regulatory Commission.**

7113 (1) (a) There is created within the division the "Residential Mortgage Regulatory
7114 Commission" consisting of the following members appointed by the executive director with the
7115 approval of the governor:

7116 (i) four members who:

7117 (A) have at least three years of experience in transacting the business of residential
7118 mortgage loans; and

7119 (B) are licensed under this chapter at the time of and during appointment; and

7120 (ii) one member from the general public.

7121 (b) (i) The executive director with the approval of the governor may appoint an
7122 alternate member to the board.

7123 (ii) The alternate member shall:

7124 (A) at the time of the appointment, have at least three years of experience in transacting
7125 the business of residential mortgage loans; and

7126 (B) be licensed under this chapter at the time of and during appointment.

7127 (2) (a) Except as required by Subsection (2)(b), the executive director shall appoint a

7128 new member or reappointed member subject to appointment by the executive director to a
7129 four-year term ending June 30.

7130 (b) Notwithstanding the requirements of Subsection (2)(a), the executive director shall,
7131 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
7132 of commission members are staggered so that approximately half of the commission is
7133 appointed every two years.

7134 (c) If a vacancy occurs in the membership of the commission for any reason, the
7135 executive director shall appoint a replacement for the unexpired term.

7136 (d) A member shall remain on the commission until the member's successor is
7137 appointed and qualified.

7138 (3) Members of the commission shall annually select one member to serve as chair.

7139 (4) (a) The commission shall meet at least quarterly.

7140 (b) The director may call a meeting in addition to the meetings required by Subsection
7141 (4)(a):

7142 (i) at the discretion of the director;

7143 (ii) at the request of the chair of the commission; or

7144 (iii) at the written request of three or more commission members.

7145 (5) (a) Three members of the commission constitute a quorum for the transaction of
7146 business.

7147 (b) If a quorum of members is unavailable for any meeting and an alternate member is
7148 appointed to the commission by the executive director with the approval of the governor, the
7149 alternate member shall serve as a regular member of the commission for that meeting if with
7150 the presence of the alternate member there is a quorum present at the meeting.

7151 (c) The action of a majority of a quorum present is an action of the commission.

7152 ~~[(6) (a) (i) A member who is not a government employee may not receive~~
7153 ~~compensation or benefits for the member's services, but may receive per diem and expenses~~
7154 ~~incurred in the performance of the member's official duties at the rates established by the~~
7155 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

7156 ~~[(ii) A member who is not a government employee may decline to receive per diem and~~
7157 ~~expenses for the member's service.]~~

7158 ~~[(b) (i) A state government officer and employee member who does not receive salary,~~

7159 ~~per diem, or expenses from the member's agency for the member's service may receive per~~
7160 ~~diem and expenses incurred in the performance of the member's official duties from the~~
7161 ~~commission at the rates established by the Division of Finance under Sections 63A-3-106 and~~
7162 ~~63A-3-107.]~~

7163 ~~[(ii) A state government officer and employee member may decline to receive per diem~~
7164 ~~and expenses for the member's service.]~~

7165 (6) A member may not receive compensation or benefits for the member's service, but
7166 may receive per diem and travel expenses in accordance with:

7167 (a) Section 63A-3-106;

7168 (b) Section 63A-3-107; and

7169 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7170 63A-3-107.

7171 (7) In addition to a duty or power expressly provided for elsewhere in this chapter, the
7172 commission shall:

7173 (a) except as provided in Subsection 61-2c-202(2), concur in the licensure or denial of
7174 licensure of a person under this chapter in accordance with Part 2, Licensure;

7175 (b) take disciplinary action with the concurrence of the director in accordance with Part
7176 4, Enforcement; and

7177 (c) advise the division concerning matters related to the administration and
7178 enforcement of this chapter.

7179 Section 127. Section **62A-1-107** is amended to read:

7180 **62A-1-107. Boards within department -- Members, appointment, terms,**
7181 **vacancies, chairperson, compensation, meetings, quorum.**

7182 (1) Each board described in Section 62A-1-105 shall have seven members who are
7183 appointed by the governor with the consent of the Senate.

7184 (2) (a) Except as required by Subsection (2)(b), each member shall be appointed for a
7185 term of four years, and is eligible for one reappointment.

7186 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
7187 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
7188 board members are staggered so that approximately half of the board is appointed every two
7189 years.

(c) Board members shall continue in office until the expiration of their terms and until their successors are appointed, which may not exceed 90 days after the formal expiration of a term.

(d) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(3) No more than four members of any board may be from the same political party. Each board shall have diversity of gender, ethnicity, and culture; and members shall be chosen on the basis of their active interest, experience, and demonstrated ability to deal with issues related to their specific boards.

(4) Each board shall annually elect a chairperson from its membership. Each board shall hold meetings at least once every three months. Within budgetary constraints, meetings may be held from time to time on the call of the chairperson or of the majority of the members of any board. Four members of a board are necessary to constitute a quorum at any meeting, and, if a quorum exists, the action of the majority of members present shall be the action of the board.

~~[(5) (a) Members shall receive no compensation or benefits for their services, but may, at the executive director's discretion, receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(b) Members may decline to receive per diem and expenses for their service.]~~

(5) A member may not receive compensation or benefits for the member's service, but, at the executive director's discretion, may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(6) Each board shall adopt bylaws governing its activities. Bylaws shall include procedures for removal of a board member who is unable or unwilling to fulfill the requirements of his appointment.

(7) The board has program policymaking authority for the division over which it

7221 presides.

7222 Section 128. Section **62A-3-107** is amended to read:

7223 **62A-3-107. Requirements for establishing division policy.**

7224 (1) The board is the program policymaking body for the division and for programs
7225 funded with state and federal money under Sections 62A-3-104.1 and 62A-3-104.2. In
7226 establishing policy and reviewing existing policy, the board shall seek input from local area
7227 agencies, consumers, providers, advocates, division staff, and other interested parties as
7228 determined by the board.

7229 (2) The board shall establish, by rule, procedures for developing its policies which
7230 ensure that local area agencies are given opportunity to comment and provide input on any new
7231 policy of the board and on any proposed changes in the board's existing policy. The board
7232 shall also provide a mechanism for review of its existing policy and for consideration of policy
7233 changes that are proposed by those local area agencies.

7234 ~~[(3) Members shall receive no compensation or benefits for their services, but may, at~~
7235 ~~the executive director's discretion, receive per diem and expenses incurred in the performance~~
7236 ~~of the member's official duties at the rates established by the Division of Finance under~~
7237 ~~Sections 63A-3-106 and 63A-3-107.]~~

7238 (3) A member may not receive compensation or benefits for the member's service, but,
7239 at the executive director's discretion, may receive per diem and travel expenses in accordance
7240 with:

7241 (a) Section 63A-3-106;

7242 (b) Section 63A-3-107; and

7243 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7244 63A-3-107.

7245 Section 129. Section **62A-4a-311** is amended to read:

7246 **62A-4a-311. Child Abuse Advisory Council -- Creation -- Membership --**
7247 **Expenses.**

7248 (1) (a) There is established the Child Abuse Advisory Council composed of no more
7249 than 25 members who are appointed by the division.

7250 (b) Except as required by Subsection (1)(c), as terms of current council members
7251 expire, the division shall appoint each new member or reappointed member to a four-year term.

(c) Notwithstanding the requirements of Subsection (1)(b), the division shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.

(d) The council shall have geographic, economic, gender, cultural, and philosophical diversity.

(e) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(2) The council shall elect a chairperson from its membership at least biannually.

~~[(3)(a) A member of the council who is not a government employee shall receive no compensation or benefits for the member's services, but may:]~~

~~[(i) receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107; or]~~

~~[(ii) decline to receive per diem and expenses for the member's service.]~~

~~[(b) A member of the council who is a state government officer or employee and who does not receive salary, per diem, or expenses from the member's agency for the member's service may:]~~

~~[(i) receive per diem and expenses incurred in the performance of the member's official duties from the commission at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107; or]~~

~~[(ii) decline to receive per diem and expenses for the member's service.]~~

(3) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(4) The council shall hold a public meeting quarterly. Within budgetary constraints, meetings may also be held on the call of the chair, or of a majority of the members. A majority of the members currently appointed to the council constitute a quorum at any meeting and the

7283 action of the majority of the members present shall be the action of the council.

7284 (5) The council shall:

7285 (a) advise the division on matters relating to abuse and neglect; and

7286 (b) recommend to the division how funds contained in the Children's Trust Account
7287 should be allocated.

7288 Section 130. Section **62A-5a-103** is amended to read:

7289 **62A-5a-103. Coordinating Council for Persons with Disabilities -- Creation --**
7290 **Membership -- Expenses.**

7291 (1) There is created the Coordinating Council for Persons with Disabilities.

7292 (2) The council shall consist of:

7293 (a) the director of the Division of Services for People with Disabilities within the
7294 Department of Human Services, or his designee;

7295 (b) the director of family health services programs, appointed under Section 26-10-3,
7296 or his designee;

7297 (c) the executive director of the Utah State Office of Rehabilitation, or his designee;

7298 (d) the state director of special education, or his designee;

7299 (e) the director of the Division of Health Care Financing within the Department of
7300 Health, or his designee;

7301 (f) the director of the Division of Substance Abuse and Mental Health within the
7302 Department of Human Services, or his designee;

7303 (g) the superintendent of Schools for the Deaf and Blind, or his designee; and

7304 (h) a person with a disability, a family member of a person with a disability, or an
7305 advocate for persons with disabilities, appointed by the members listed in Subsections (2)(a)
7306 through (g).

7307 (3) (a) The council shall annually elect a chair from its membership.

7308 (b) Five members of the council are a quorum.

7309 ~~[(4) (a) State government officer and employee members who do not receive salary, per~~
7310 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
7311 ~~incurred in the performance of their official duties from the council at the rates established by~~
7312 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

7313 ~~[(b) State government officer and employee members may decline to receive per diem~~

7314 ~~and expenses for their service.]~~

7315 (4) A member may not receive compensation or benefits for the member's service, but
7316 may receive per diem and travel expenses in accordance with:

7317 (a) Section 63A-3-106;

7318 (b) Section 63A-3-107; and

7319 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7320 63A-3-107.

7321 Section 131. Section **62A-7-501** is amended to read:

7322 **62A-7-501. Youth Parole Authority -- Expenses -- Responsibilities -- Procedures.**

7323 (1) There is created within the division a Youth Parole Authority.

7324 (2) (a) The authority is composed of ten part-time members and five pro tempore
7325 members who are residents of this state. No more than three pro tempore members may serve
7326 on the authority at any one time.

7327 (b) Throughout this section, the term "member" refers to both part-time and pro
7328 tempore members of the Youth Parole Authority.

7329 (3) (a) Except as required by Subsection (3)(b), members shall be appointed to
7330 four-year terms by the governor with the consent of the Senate.

7331 (b) The governor shall, at the time of appointment or reappointment, adjust the length
7332 of terms to ensure that the terms of authority members are staggered so that approximately half
7333 of the authority is appointed every two years.

7334 (4) Each member shall have training or experience in social work, law, juvenile or
7335 criminal justice, or related behavioral sciences.

7336 (5) When a vacancy occurs in the membership for any reason, the replacement member
7337 shall be appointed for the unexpired term.

7338 (6) During the tenure of his appointment, a member may not:

7339 (a) be an employee of the department, other than in his capacity as a member of the
7340 authority;

7341 (b) hold any public office;

7342 (c) hold any position in the state's juvenile justice system; or

7343 (d) be an employee, officer, advisor, policy board member, or subcontractor of any
7344 juvenile justice agency or its contractor.

(7) In extraordinary circumstances or when a regular member is absent or otherwise unavailable, the chair may assign a pro tempore member to act in the absent member's place.

~~[(8) (a) Members receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(b) Members may decline to receive per diem and expenses for their service.]~~

(8) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(9) The authority shall determine appropriate parole dates for youth offenders, based on guidelines established by the board. The board shall review and update policy guidelines annually.

(10) Youth offenders may be paroled to their own homes, to a residential community-based program, to a nonresidential community-based treatment program, to an approved independent living setting, or to other appropriate residences, but shall remain on parole until parole is terminated by the authority.

(11) The division's case management staff shall implement parole release plans and shall supervise youth offenders while on parole.

(12) The division shall permit the authority to have reasonable access to youth offenders in secure facilities and shall furnish all pertinent data requested by the authority in matters of parole, revocation, and termination.

Section 132. Section **62A-15-605** is amended to read:

62A-15-605. Forensic Mental Health Coordinating Council -- Establishment and purpose.

(1) There is established the Forensic Mental Health Coordinating Council composed of the following members:

(a) the director or the director's appointee;

(b) the superintendent of the state hospital or the superintendent's appointee;

- 7376 (c) the executive director of the Department of Corrections or the executive director's
7377 appointee;
- 7378 (d) a member of the Board of Pardons and Parole or its appointee;
- 7379 (e) the attorney general or the attorney general's appointee;
- 7380 (f) the director of the Division of Services for People with Disabilities or the director's
7381 appointee;
- 7382 (g) the director of the Division of Juvenile Justice Services or the director's appointee;
- 7383 (h) the director of the Commission on Criminal and Juvenile Justice or the director's
7384 appointee;
- 7385 (i) the state court administrator or the administrator's appointee;
- 7386 (j) the state juvenile court administrator or the administrator's appointee;
- 7387 (k) a representative from a local mental health authority or an organization, excluding
7388 the state hospital that provides mental health services under contract with the Division of
7389 Substance Abuse and Mental Health or a local mental health authority, as appointed by the
7390 director of the division;
- 7391 (l) the executive director of the Governor's Council for People with Disabilities or the
7392 director's appointee; and
- 7393 (m) other persons as appointed by the members described in Subsections (1)(a) through
7394 (l).
- 7395 ~~[(2)(a)(i) Members who are not government employees shall receive no compensation~~
7396 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
7397 ~~performance of the member's official duties at the rates established by the Division of Finance~~
7398 ~~under Sections 63A-3-106 and 63A-3-107.]~~
- 7399 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~
- 7400 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
7401 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
7402 ~~incurred in the performance of their official duties from the council at the rates established by~~
7403 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~
- 7404 ~~[(ii) State government officer and employee members may decline to receive per diem~~
7405 ~~and expenses for their service.]~~
- 7406 (2) A member may not receive compensation or benefits for the member's service, but

7407 may receive per diem and travel expenses in accordance with:

7408 (a) Section 63A-3-106;

7409 (b) Section 63A-3-107; and

7410 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

7411 63A-3-107.

7412 (3) The purpose of the Forensic Mental Health Coordinating Council is to:

7413 (a) advise the director regarding admissions to the state hospital of persons in the
7414 custody of the Department of Corrections;

7415 (b) develop policies for coordination between the division and the Department of
7416 Corrections;

7417 (c) advise the executive director of the Department of Corrections regarding issues of
7418 care for persons in the custody of the Department of Corrections who are mentally ill;

7419 (d) promote communication between and coordination among all agencies dealing with
7420 persons with mental retardation, as defined in Section 62A-5-101, or mental illness who
7421 become involved in the civil commitment system or in the criminal or juvenile justice system;

7422 (e) study, evaluate, and recommend changes to laws and procedures relating to persons
7423 with mental retardation or mental illness who become involved in the civil commitment system
7424 or in the criminal or juvenile justice system;

7425 (f) identify and promote the implementation of specific policies and programs to deal
7426 fairly and efficiently with persons with mental retardation or mental illness who become
7427 involved in the civil commitment system or in the criminal or juvenile justice system; and

7428 (g) promote judicial education relating to persons with mental retardation or mental
7429 illness who become involved in the civil commitment system or in the criminal or juvenile
7430 justice system.

7431 Section 133. Section **63A-3-403** is amended to read:

7432 **63A-3-403. Utah Transparency Advisory Board -- Creation -- Membership --**
7433 **Duties.**

7434 (1) There is created within the division the Utah Transparency Advisory Board
7435 comprised of members knowledgeable about public finance or providing public access to
7436 public financial information as follows:

7437 (a) one member designated by the director of the Division of Finance;

7438 (b) one member designated by the director of the Governor's Office of Planning and
7439 Budget;

7440 (c) one member appointed by the governor on advice from the Judicial Council, who
7441 shall serve until June 30, 2009;

7442 (d) one member appointed by the governor on advice from the Legislative Fiscal
7443 Analyst;

7444 (e) one member of the Senate, appointed by the governor on advice from the president
7445 of the Senate;

7446 (f) one member of the House of Representatives, appointed by the governor on advice
7447 from the speaker of the House of Representatives;

7448 (g) one member designated by the director of the Department of Technology Services;

7449 (h) one member appointed by the governor from a state institution of higher education,
7450 who shall serve for one year beginning on July 1, 2009 and ending on June 30, 2010; and

7451 (i) three additional members appointed by the governor, who shall each serve one-year
7452 terms as follows:

7453 (i) for the term beginning on July 1, 2009 and ending on June 30, 2010, represent the
7454 following entities:

7455 (A) a school district;

7456 (B) a charter school; and

7457 (C) a public transit district created under Title 17B, Chapter 2a, Part 8, Public Transit
7458 District Act; and

7459 (ii) for the term beginning on July 1, 2010 and ending on June 30, 2011, represent the
7460 following entities:

7461 (A) a county;

7462 (B) a municipality; and

7463 (C) (I) a local district under Title 17B, Limited Purpose Local Government Entities -
7464 Local Districts, that is not a public transit district created under Title 17B, Chapter 2a, Part 8,
7465 Public Transit District Act; or

7466 (II) a special service district under Title 17D, Chapter 1, Special Service District Act.

7467 (2) The board shall:

7468 (a) advise the division on matters related to the implementation and administration of

7469 this part;

7470 (b) develop plans, make recommendations, and assist in implementing the provisions

7471 of this part;

7472 (c) determine what public financial information shall be provided by participating state

7473 and local entities, provided that the public financial information:

7474 (i) only includes records that:

7475 (A) are classified as public under Title 63G, Chapter 2, Government Records Access

7476 and Management Act;

7477 (B) are an accounting of monies, funds, accounts, bonds, loans, expenditures, or

7478 revenues, regardless of the source; and

7479 (C) are owned, held, or administered by the participating state or local entity that is

7480 required to provide the record; and

7481 (ii) is of the type or nature that should be accessible to the public via a website based

7482 on considerations of:

7483 (A) the cost effectiveness of providing the information;

7484 (B) the value of providing the information to the public; and

7485 (C) privacy and security considerations;

7486 (d) evaluate the cost effectiveness of implementing specific information resources and

7487 features on the website;

7488 (e) establish size or budget thresholds to identify those local entities that qualify as

7489 participating local entities as defined in this part, giving special consideration to the budget and

7490 resource limitations of an entity with a current annual budget of less than \$10,000,000;

7491 (f) require participating local entities to provide public financial information in

7492 accordance with the requirements of this part, with a specified content, reporting frequency,

7493 and form;

7494 (g) require a participating local entity's website to be accessible by link or other direct

7495 route from the Utah Public Finance Website if the participating local entity does not use the

7496 Utah Public Finance Website; and

7497 (h) determine the search methods and the search criteria that shall be made available to

7498 the public as part of a website used by a participating local entity under the requirements of this

7499 part, which criteria may include:

7500 (i) fiscal year;

7501 (ii) expenditure type;

7502 (iii) name of the agency;

7503 (iv) payee;

7504 (v) date; and

7505 (vi) amount.

7506 (3) The board shall annually elect a chair and a vice chair from its members.

7507 (4) (a) Except for a member appointed under Subsections (1)(c) and (h), each member
7508 shall serve a two-year term.

7509 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
7510 appointed for the remainder of the unexpired term.

7511 (5) The board shall meet as it determines necessary to accomplish its duties.

7512 (6) Reasonable notice shall be given to each member of the board before any meeting.

7513 (7) A majority of the board constitutes a quorum for the transaction of business.

7514 ~~[(8)(a)(i) Members who are not government employees shall receive no compensation~~
7515 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
7516 ~~performance of the member's official duties at the rates established by the Division of Finance~~
7517 ~~under Sections 63A-3-106 and 63A-3-107.]~~

7518 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

7519 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
7520 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
7521 ~~incurred in the performance of their official duties from the board at the rates established by the~~
7522 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

7523 ~~[(ii) State government officer and employee members may decline to receive per diem~~
7524 ~~and expenses for their service.]~~

7525 ~~[(c)(i) Local government members who do not receive salary, per diem, or expenses~~
7526 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
7527 ~~in the performance of their official duties at the rates established by the Division of Finance~~
7528 ~~under Sections 63A-3-106 and 63A-3-107.]~~

7529 ~~[(ii) Local government officer and employee members may decline to receive per diem~~
7530 ~~and expenses for their service.]~~

7531 (8) A member may not receive compensation or benefits for the member's service, but
7532 may receive per diem and travel expenses in accordance with:

7533 (a) Section 63A-3-106;

7534 (b) Section 63A-3-107; and

7535 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7536 63A-3-107.

7537 Section 134. Section **63A-5-101** is amended to read:

7538 **63A-5-101. Creation -- Composition -- Appointment -- Per diem and expenses --**
7539 **Administrative services.**

7540 (1) (a) There is created a State Building Board composed of eight members, seven of
7541 whom shall be appointed by the governor for terms of four years.

7542 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the
7543 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
7544 board members are staggered so that approximately half of the board is appointed every two
7545 years.

7546 (2) When a vacancy occurs in the membership for any reason, the replacement shall be
7547 appointed for the unexpired term.

7548 (3) The director of the Governor's Office of Planning and Budget or the director's
7549 designee is a nonvoting member of the board.

7550 (4) Each member shall hold office until a successor is appointed and qualified, but no
7551 member shall serve more than two consecutive terms.

7552 (5) One member shall be designated by the governor as chair.

7553 ~~[(6) (a) (i) Members who are not government employees shall receive no compensation~~
7554 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
7555 ~~performance of the member's official duties at the rates established by the Division of Finance~~
7556 ~~under Sections 63A-3-106 and 63A-3-107.]~~

7557 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

7558 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~
7559 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
7560 ~~incurred in the performance of their official duties from the board at the rates established by the~~
7561 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(7) The members of the board are not required to give bond for the performance of their official duties.

(8) The department shall provide administrative and staff services to enable the board to exercise its powers and discharge its duties, and shall provide necessary space and equipment for the board.

Section 135. Section **63A-9-301** is amended to read:

63A-9-301. Motor Vehicle Review Committee -- Composition.

(1) There is created a Motor Vehicle Review Committee to advise the division.

(2) The committee shall be composed of nine members as follows:

(a) the executive director of the Department of Administrative Services or the director's designee;

(b) a member from a state agency other than higher education, the Department of Transportation, the Department of Public Safety, or the Department of Natural Resources, who uses the division's services;

(c) the director of the Division of Purchasing and General Services or the director's designee; and

(d) one member from:

(i) higher education, designated annually by the executive director of the Department of Administrative Services;

(ii) the Department of Transportation, designated annually by the executive director of the Department of Administrative Services;

(iii) the Department of Public Safety, designated annually by the executive director of the Department of Administrative Services; and

(iv) the Department of Natural Resources, designated annually by the executive director of the Department of Administrative Services; and

(e) two public members with experience in fleet operations and maintenance appointed by the governor.

(3) (a) Except as required by Subsection (3)(b), the governor shall appoint each public member to a four-year term.

(b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment, adjust the length of terms to ensure that the terms of public members are staggered so that one of the public members is appointed every two years.

(c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

~~[(4) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

~~[(b) (i) State government members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) State government members may decline to receive per diem and expenses for their service.]~~

~~[(c) (i) Higher education members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Higher education members may decline to receive per diem and expenses for their service.]~~

(4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

7624 (b) Section 63A-3-107; and
7625 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7626 63A-3-107.

7627 (5) Five members of the committee are a quorum.

7628 (6) The executive director of the Department of Administrative Services is chair of the
7629 committee.

7630 Section 136. Section **63B-1-201** is amended to read:

7631 **63B-1-201. Members -- Powers and duties -- Per diem.**

7632 (1) There is created a State Bonding Commission composed of:

7633 (a) the governor;

7634 (b) the state treasurer; and

7635 (c) a third person appointed by the governor to serve a four-year term, who is a
7636 member of a political party different from that of the governor.

7637 (d) When the at-large position becomes vacant for any reason, the replacement shall be
7638 appointed for the unexpired term.

7639 (2) The commission shall exercise the powers and perform the duties prescribed for the
7640 commission by statute.

7641 ~~[(3)-(a) State government officer and employee members who do not receive salary, per~~
7642 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
7643 ~~incurred in the performance of their official duties from the commission at the rates established~~
7644 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

7645 ~~[(b) State government officer and employee members may decline to receive per diem~~
7646 ~~and expenses for their service.]~~

7647 (3) A member may not receive compensation or benefits for the member's service, but
7648 may receive per diem and travel expenses in accordance with:

7649 (a) Section 63A-3-106;

7650 (b) Section 63A-3-107; and

7651 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7652 63A-3-107.

7653 Section 137. Section **63B-1-304** is amended to read:

7654 **63B-1-304. State Building Ownership Authority created -- Members --**

7655 **Compensation -- Location in Department of Administrative Services.**

7656 (1) There is created a body politic and corporate to be known as the State Building

7657 Ownership Authority composed of:

7658 (a) the governor;

7659 (b) the state treasurer; and

7660 (c) the chair of the State Building Board created under Section 63A-5-101.

7661 ~~[(2)(a)(i) Members who are not government employees shall receive no compensation~~
 7662 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
 7663 ~~performance of the member's official duties at the rates established by the Division of Finance~~
 7664 ~~under Sections 63A-3-106 and 63A-3-107.]~~

7665 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

7666 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
 7667 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
 7668 ~~incurred in the performance of their official duties from the authority at the rates established by~~
 7669 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

7670 ~~[(ii) State government officer and employee members may decline to receive per diem~~
 7671 ~~and expenses for their service.]~~

7672 (2) A member may not receive compensation or benefits for the member's service, but
 7673 may receive per diem and travel expenses in accordance with:

7674 (a) Section 63A-3-106;

7675 (b) Section 63A-3-107; and

7676 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
 7677 63A-3-107.

7678 (3) (a) Upon request, the division shall provide staff support to the State Building
 7679 Ownership Authority.

7680 (b) The State Building Ownership Authority may seek and obtain independent financial
 7681 advice, support, and information from the state financial advisor created under Section
 7682 67-4-16.

7683 Section 138. Section **63C-4-101** is amended to read:

7684 **63C-4-101. Creation of Constitutional Defense Council -- Membership --**

7685 **Vacancies -- Reports -- Per diem and funding.**

7686 (1) There is created the Constitutional Defense Council.

7687 (2) (a) The defense council shall consist of the following members:

7688 (i) the governor or the lieutenant governor, who shall serve as chair of the council;

7689 (ii) the president of the Senate or the president of the Senate's designee who shall serve

7690 as vice chair of the council;

7691 (iii) the speaker of the House or the speaker of the House's designee who shall serve as

7692 vice chair of the council;

7693 (iv) the minority leader of the Senate or the minority leader of the Senate's designee;

7694 (v) the minority leader of the House or the minority leader of the House's designee;

7695 (vi) the attorney general or the attorney general's designee, who shall be one of the

7696 attorney general's appointees, not a current career service employee;

7697 (vii) the director of the School and Institutional Trust Lands Administration;

7698 (viii) four elected county commissioners, county council members, or county

7699 executives from different counties who are selected by the Utah Association of Counties, at

7700 least one of whom shall be from a county of the first or second class;

7701 (ix) the executive director of the Department of Natural Resources, who may not vote;

7702 (x) the commissioner of the Department of Agriculture and Food, who may not vote;

7703 (xi) the director of the Governor's Office of Economic Development, who may not

7704 vote; and

7705 (xii) two elected county commissioners, county council members, or county executives

7706 from different counties appointed by the Utah Association of Counties, who may not vote.

7707 (b) The council vice chairs shall conduct a council meeting in the absence of the chair.

7708 (c) If both the governor and the lieutenant governor are absent from a meeting of the

7709 council, the governor may designate a person to attend the meeting solely for the purpose of

7710 casting a vote on any matter on the governor's behalf.

7711 (3) When a vacancy occurs in the membership for any reason, the replacement shall be

7712 appointed for the unexpired term in the same manner as the original appointment.

7713 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), the defense council shall meet at

7714 least monthly or more frequently as needed.

7715 (ii) The defense council need not meet monthly if the chair, after polling the members,

7716 determines that a majority of the members do not wish to meet.

7717 (b) The governor or any six members of the council may call a meeting of the council.

7718 (c) Before calling a meeting, the governor or council members shall solicit items for
7719 the agenda from other members of the council.

7720 (d) (i) The Constitutional Defense Council shall require that any entity that receives
7721 monies from the Constitutional Defense Restricted Account provide financial reports and
7722 litigation reports to the Council.

7723 (ii) Nothing in this Subsection (4)(d) prohibits the council from closing a meeting
7724 under Title 52, Chapter 4, Open and Public Meetings Act, or prohibits the council from
7725 complying with Title 63G, Chapter 2, Government Records Access and Management Act.

7726 (e) A majority of the voting membership on the defense council is required for a
7727 quorum to conduct council business. A majority vote of the quorum is required for any action
7728 taken by the defense council.

7729 (5) The Office of the Attorney General shall advise the defense council.

7730 ~~[(6) (a) (i) State government officer and employee members who do not receive salary,~~
7731 ~~per diem, or expenses from their agency for their service may receive per diem and expenses~~
7732 ~~incurred in the performance of their official duties from the council at the rates established by~~
7733 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

7734 ~~[(ii) State government officer and employee members may decline to receive per diem~~
7735 ~~and expenses for their service.]~~

7736 ~~[(b) (i) Local government members who do not receive salary, per diem, or expenses~~
7737 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
7738 ~~in the performance of their official duties at the rates established by the Division of Finance~~
7739 ~~under Sections 63A-3-106 and 63A-3-107.]~~

7740 ~~[(ii) Local government members may decline to receive per diem and expenses for~~
7741 ~~their service.]~~

7742 ~~[(c) Legislators on the committee shall receive compensation and expenses as provided~~
7743 ~~by law and legislative rule.]~~

7744 (6) A member may not receive compensation or benefits for the member's service, but
7745 may receive per diem and travel expenses in accordance with:

7746 (a) Section 63A-3-106;

7747 (b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(7) (a) The council shall be funded from the Constitutional Defense Restricted Account created in Section 63C-4-103.

(b) Monies appropriated for or received by the council may be expended by the governor in consultation with the council.

Section 139. Section **63C-6-103** is amended to read:

63C-6-103. Compensation of members -- Per diem.

~~[(1) (a) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(b) Members may decline to receive per diem and expenses for their service.]~~

~~[(2) (a) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the commission at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(b) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

~~[(3) Legislators on the committee shall receive compensation and expenses as provided by law and legislative rule.]~~

A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(1) Section 63A-3-106;

(2) Section 63A-3-107; and

(3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 140. Section **63C-8-103** is amended to read:

63C-8-103. Medical Education Council.

(1) There is created the Medical Education Council consisting of the following members appointed by the governor:

7779 (a) the dean of the school of medicine at the University of Utah;
7780 (b) a person who represents graduate medical education at the University of Utah;
7781 (c) a person from each institution, other than the University of Utah, that sponsors an
7782 accredited clinical education program;
7783 (d) a person from the health care insurance industry; and
7784 (e) three members of the general public who are not employed by or affiliated with any
7785 institution that offers, sponsors, or finances health care or medical education; however, the
7786 governor may appoint an additional member of the public under this Subsection (1)(e) for each
7787 person the governor appoints that increases the total number of persons appointed under
7788 Subsection (1)(c) beyond two.

7789 (2) Except as provided in Subsection (1)(a) and (b), no two council members may be
7790 employed by or affiliated with the same:

7791 (a) institution of higher education;
7792 (b) state agency outside of higher education; or
7793 (c) private entity.

7794 (3) The dean of the school of medicine at the University of Utah:

7795 (a) shall chair the council;
7796 (b) may not be counted in determining the existence of a quorum; and
7797 (c) may only cast a vote on a matter before the council if the vote of the other council
7798 members results in a tied vote.

7799 (4) The council shall annually elect a vice chair from among the members of the
7800 council.

7801 (5) (a) Consistent with Subsection (6)(b), a majority of the council members constitute
7802 a quorum.

7803 (b) The action of a majority of a quorum is the action of the council.

7804 (6) (a) Except as provided in Subsection (6)(b), members are appointed to four-year
7805 terms of office.

7806 (b) Notwithstanding Subsection (6)(a), the governor shall, at the time of the initial
7807 appointment, adjust the length of terms to ensure that the terms of council members are
7808 staggered so that approximately half of the council is appointed every two years.

7809 (c) If a vacancy occurs in the membership for any reason, the replacement shall be

7810 appointed by the governor for the unexpired term in the same manner as the original
7811 appointment was made.

7812 ~~[(7)(a) Per diem and expenses incurred in the performance of official duties may be~~
7813 ~~paid at the rates established by the Division of Finance under Section 63A-3-106 and Section~~
7814 ~~63A-3-107 to a council member:]~~

7815 ~~[(i) who is not a government employee; or]~~

7816 ~~[(ii) who is a government employee, but does not receive salary, per diem, or expenses~~
7817 ~~from the council member's employing unit for service to the council:]~~

7818 ~~[(b) A council member may decline to receive per diem and expenses for service to the~~
7819 ~~council:]~~

7820 (7) A member may not receive compensation or benefits for the member's service, but
7821 may receive per diem and travel expenses in accordance with:

7822 (a) Section 63A-3-106;

7823 (b) Section 63A-3-107; and

7824 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7825 63A-3-107.

7826 Section 141. Section **63C-9-202** is amended to read:

7827 **63C-9-202. Terms -- Vacancies -- Chair -- Vice chair -- Meetings --**
7828 **Compensation.**

7829 (1) (a) The governor, president of the Senate, speaker of the House, chief justice, state
7830 treasurer, state attorney general, and state historic preservation officer shall serve terms
7831 coterminous with their office.

7832 (b) The other members shall serve two-year terms.

7833 (2) Vacancies in the appointed positions shall be filled by the original appointing
7834 authority for the unexpired term.

7835 (3) (a) Except as provided in Subsection (3)(b), the governor is chair of the board.

7836 (b) When the governor is absent from meetings of the board, the vice chair is chair of
7837 the board.

7838 (c) The governor shall appoint a member of the board to serve as vice chair with the
7839 approval of a majority of the members of the board.

7840 (4) The board shall meet at least quarterly and at other times at the call of the governor

7841 or at the request of four members of the board.

7842 ~~[(5) (a) (i) Members who are not government employees shall receive no compensation~~
7843 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
7844 ~~performance of the member's official duties at the rates established by the Division of Finance~~
7845 ~~under Sections 63A-3-106 and 63A-3-107.]~~

7846 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

7847 ~~[(b) (i) State government officers and employee members who do not receive salary,~~
7848 ~~per diem, or expenses from their agency for their service may receive per diem and expenses~~
7849 ~~incurred in the performance of their official duties from the committee at the rates established~~
7850 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

7851 ~~[(ii) State government officers and employee members may decline to receive per diem~~
7852 ~~and expenses for their service.]~~

7853 ~~[(c) Legislative members receive the expenses authorized by legislative rule.]~~

7854 (5) A member may not receive compensation or benefits for the member's service, but
7855 may receive per diem and travel expenses in accordance with:

7856 (a) Section 63A-3-106;

7857 (b) Section 63A-3-107; and

7858 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7859 63A-3-107.

7860 Section 142. Section **63C-9-702** is amended to read:

7861 **63C-9-702. Art Placement Subcommittee to the State Capitol Preservation Board**

7862 **-- Created -- Membership -- Operations.**

7863 (1) (a) There is created an Art Placement Subcommittee to the State Capitol
7864 Preservation Board composed of 11 members appointed as provided in this Subsection (1).

7865 (b) (i) The governor shall appoint:

7866 (A) an architect, from a list of three architects submitted by the American Institute of
7867 Architects;

7868 (B) an artist, from a list of three artists submitted by the Utah Arts Council Board of
7869 Directors;

7870 (C) an historian, from a list of three historians submitted by the Board of State History;

7871 and

7872 (D) a citizen to represent the public at large who is not a member of the State Capitol
7873 Preservation Board.

7874 (ii) The governor, as chair of the board, with the concurrence of the board, shall
7875 appoint a member of the board as a voting member of the subcommittee.

7876 (c) The president of the Senate shall appoint three members, two from the majority
7877 party and one from the minority party.

7878 (d) The speaker of the House of Representatives shall appoint three members, two
7879 from the majority party and one from the minority party.

7880 (2) (a) (i) (A) Subcommittee members appointed by the governor shall serve four-year
7881 terms and may serve up to two consecutive terms.

7882 (B) The board member appointed by the governor under Subsection (1)(b)(ii) shall
7883 serve a two-year term, and may be reappointed.

7884 (ii) Subcommittee members appointed by the president of the Senate and the speaker of
7885 the House of Representatives shall serve two-year terms and may be reappointed.

7886 (b) In appointing members to the first subcommittee, the governor shall designate two
7887 members to serve a two-year term and two members to serve four-year terms.

7888 (3) (a) Each subcommittee member shall hold office until his successor has been
7889 appointed and qualified.

7890 (b) If a vacancy occurs in the subcommittee because of death, resignation, or otherwise,
7891 the appointing authority shall appoint a successor, who shall hold office for the unexpired term.

7892 (c) Six voting members of the subcommittee are a quorum for the purpose of
7893 organizing and conducting the business of the subcommittee.

7894 (d) The vote of a majority of members voting when a quorum is present is necessary
7895 for the subcommittee to take action.

7896 (4) (a) At the initial meeting of the subcommittee, the subcommittee shall select one of
7897 its number to serve as chair of the subcommittee.

7898 (b) The executive director of the board shall assist the subcommittee in their duties and
7899 shall provide staff services to the subcommittee.

7900 ~~[(5) (a) Members of the subcommittee shall receive per diem and may be reimbursed~~
7901 ~~for expenses incurred in the performance of their official duties as established by the Division~~
7902 ~~of Finance.]~~

7903 (5) A member may not receive compensation or benefits for the member's service, but
7904 may receive per diem and travel expenses in accordance with:

7905 (a) Section 63A-3-106;

7906 (b) Section 63A-3-107; and

7907 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7908 63A-3-107.

7909 ~~[(b)]~~ (6) The subcommittee shall meet at least quarterly.

7910 Section 143. Section **63C-10-102** is amended to read:

7911 **63C-10-102. Governor's Rural Partnership Board -- Creation -- Membership --**
7912 **Vacancies -- Chairs -- Expenses.**

7913 (1) There is created the Governor's Rural Partnership Board composed of 15 members
7914 as follows:

7915 (a) the governor or the governor's designee;

7916 (b) a rural member of the Utah Association of Counties' Board of Directors, appointed
7917 by the association's board;

7918 (c) a rural member of the Utah League of Cities and Towns' Board of Directors,
7919 appointed by the league's board;

7920 (d) the vice president of Utah State University's Extension Services or the vice
7921 president's designee;

7922 (e) the president of Southern Utah University or the president's designee;

7923 (f) the chair of the Utah Rural Development Council;

7924 (g) a rural representative of agriculture;

7925 (h) a rural representative of the travel industry;

7926 (i) a representative of rural utilities;

7927 (j) a representative from the oil, gas, or mineral extraction industry; and

7928 (k) five rural members appointed by the governor, at least one of which shall be a
7929 representative from a rural private business.

7930 (2) (a) Except as required by Subsection (2)(b), board members identified in
7931 Subsections (1)(b), (c), (g), (h), (i), (j), and (k) shall be appointed for four-year terms.

7932 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
7933 time of appointment or reappointment for members appointed under Subsection (1)(k), adjust

the length of terms to ensure that the terms of these members are staggered so that approximately half of these five members are appointed every two years.

(c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as the vacated member was chosen.

(d) Once initial board appointments are made pursuant to Subsection (1)(k), recommendations for filling vacancies for any reason of those five board positions shall be made to the governor from a nominating committee consisting of:

(i) three individuals selected by the Steering Committee of the Rural Coordinating Committee; and

(ii) three individuals selected by the Governor's Rural Partnership Board from the Utah Rural Development Council membership.

(3) (a) The governor or the governor's designee shall serve as cochair of the board.

(b) The chair of the Utah Rural Development Council shall serve as cochair of the board.

(4) The board shall meet at the call of the cochairs, but at least semiannually.

(5) (a) A majority of the members of the board constitute a quorum.

(b) The action of a majority of a quorum constitutes the action of the board.

~~[(6) Members receive no compensation or benefits for their services on the board, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 144. Section **63C-11-201** is amended to read:

63C-11-201. Commission -- Creation -- Appointments -- Terms -- Expenses -- Quorum.

(1) There is created within the Governor's Office of Economic Development the Pete Suazo Utah Athletic Commission consisting of five members.

7965 (2) (a) The governor shall appoint three commission members.

7966 (b) The president of the Senate and the speaker of the House of Representatives shall
7967 each appoint one commission member.

7968 (c) The commission members may not be licensees under this chapter.

7969 (d) A member of the commission serving on June 30, 2009, shall continue as a member
7970 of the commission until the expiration of the member's term then existing, or until the
7971 expiration of any subsequent term to which the member is appointed.

7972 (3) (a) Except as required by Subsection (3)(b), as terms of current members expire, the
7973 governor, president, or speaker, respectively, shall appoint each new member or reappointed
7974 member to a four-year term.

7975 (b) The governor shall, at the time of appointment or reappointment, adjust the length
7976 of the governor's appointees' terms to ensure that the terms of members are staggered so that
7977 approximately half of the commission is appointed every two years.

7978 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
7979 appointed for the unexpired term.

7980 (d) If a commission member fails or refuses to fulfill the responsibilities and duties of a
7981 commission member, including the attendance at commission meetings, the governor,
7982 president, or speaker, respectively, with the approval of the commission, may remove the
7983 commission member and replace the member in accordance with this section.

7984 (4) (a) A majority of the commission members constitutes a quorum.

7985 (b) A majority of a quorum is sufficient authority for the commission to act.

7986 ~~[(5) (a) (i) Members who are not government employees shall receive no compensation~~
7987 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
7988 ~~performance of the members' official duties at the rates established by the Division of Finance~~
7989 ~~under Sections 63A-3-106 and 63A-3-107.]~~

7990 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

7991 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~
7992 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
7993 ~~incurred in the performance of their official duties at the rates established by the Division of~~
7994 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

7995 ~~[(ii) State government officer and employee members may decline to receive per diem~~

7996 ~~and expenses for their service.]~~

7997 (5) A member may not receive compensation or benefits for the member's service, but
7998 may receive per diem and travel expenses in accordance with:

7999 (a) Section 63A-3-106;

8000 (b) Section 63A-3-107; and

8001 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8002 63A-3-107.

8003 (6) The commission shall annually designate one of its members to serve as chair for a
8004 one-year period.

8005 Section 145. Section **63C-12-105** is repealed and reenacted to read:

8006 **63C-12-105. Compensation of members -- Expenses.**

8007 A member of the council may not receive compensation or benefits for the member's
8008 service, but may receive per diem and travel expenses in accordance with:

8009 (1) Section 63A-3-106;

8010 (2) Section 63A-3-107; and

8011 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8012 63A-3-107.

8013 Section 146. Section **63F-1-202** is amended to read:

8014 **63F-1-202. Technology Advisory Board -- Membership -- Duties.**

8015 (1) There is created the Technology Advisory Board to the chief information officer.

8016 The board shall have seven members as follows:

8017 (a) three members appointed by the governor who are individuals actively involved in
8018 business planning for state agencies;

8019 (b) one member appointed by the governor who is actively involved in business
8020 planning for higher education or public education;

8021 (c) one member appointed by the speaker of the House of Representatives and
8022 president of the Senate from the Legislative Automation Committee of the Legislature to
8023 represent the legislative branch;

8024 (d) one member appointed by the Judicial Council to represent the judicial branch; and

8025 (e) one member appointed by the governor who represents private sector business
8026 needs in the state, but who is not an information technology vendor for the state.

8027 (2) (a) The members of the advisory board shall elect a chair from the board by
8028 majority vote.

8029 (b) The department shall provide staff to the board.

8030 (c) (i) A majority of the members of the board constitutes a quorum.

8031 (ii) Action by a majority of a quorum of the board constitutes an action of the board.

8032 (3) The board shall meet as necessary to advise the chief information officer and assist
8033 the chief information officer and executive branch agencies in coming to consensus on:

8034 (a) the development and implementation of the state's information technology strategic
8035 plan;

8036 (b) critical information technology initiatives for the state;

8037 (c) the development of standards for state information architecture;

8038 (d) identification of the business and technical needs of state agencies;

8039 (e) the department's performance measures for service agreements with executive
8040 branch agencies and subscribers of services; and

8041 (f) the efficient and effective operation of the department.

8042 ~~[(4) (a) (i) Members of the board who are not state government employees shall receive~~
8043 ~~no compensation or benefits for their services, but may receive per diem and expenses incurred~~
8044 ~~in the performance of the member's official duties at the rates established by the Division of~~
8045 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

8046 ~~[(ii) Members may decline to receive per diem and expense for their service.]~~

8047 ~~[(b) (i) State government officers and employee members who do not receive salary,~~
8048 ~~per diem, or expenses from their agency for their service may receive per diem and expenses~~
8049 ~~incurred in the performance of their official duties at the rates established by the Division of~~
8050 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

8051 ~~[(ii) State government officer and employee members may decline to receive per diem~~
8052 ~~and expenses for the member's service.]~~

8053 (4) A member may not receive compensation or benefits for the member's service, but
8054 may receive per diem and travel expenses in accordance with:

8055 (a) Section 63A-3-106;

8056 (b) Section 63A-3-107; and

8057 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

8058 63A-3-107.

8059 Section 147. Section **63G-2-501** is amended to read:

8060 **63G-2-501. State Records Committee created -- Membership -- Terms --**
8061 **Vacancies -- Expenses.**

8062 (1) There is created the State Records Committee within the Department of
8063 Administrative Services to consist of the following seven individuals:

8064 (a) an individual in the private sector whose profession requires him to create or
8065 manage records that if created by a governmental entity would be private or controlled;

8066 (b) the state auditor or the auditor's designee;

8067 (c) the director of the Division of State History or the director's designee;

8068 (d) the governor or the governor's designee;

8069 (e) one citizen member;

8070 (f) one elected official representing political subdivisions; and

8071 (g) one individual representing the news media.

8072 (2) The members specified in Subsections (1)(a), (e), (f), and (g) shall be appointed by
8073 the governor with the consent of the Senate.

8074 (3) (a) Except as required by Subsection (3)(b), as terms of current committee members
8075 expire, the governor shall appoint each new member or reappointed member to a four-year
8076 term.

8077 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
8078 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
8079 committee members are staggered so that approximately half of the committee is appointed
8080 every two years.

8081 (c) Each appointed member is eligible for reappointment for one additional term.

8082 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
8083 appointed for the unexpired term.

8084 ~~[(5)(a)(i) Members who are not government employees shall receive no compensation~~
8085 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
8086 ~~performance of the member's official duties at the rates established by the Division of Finance~~
8087 ~~under Sections 63A-3-106 and 63A-3-107.]~~

8088 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

~~[(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

~~[(c) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Local government members may decline to receive per diem and expenses for their service.]~~

(5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 148. Section **63G-2-502** is amended to read:

63G-2-502. State Records Committee -- Duties.

(1) The records committee shall:

(a) meet at least once every three months;

(b) review and approve retention and disposal of records;

(c) hear appeals from determinations of access as provided by Section 63G-2-403; and

(d) appoint a chairman from among its members.

(2) The records committee may:

(a) make rules to govern its own proceedings as provided by Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(b) by order, after notice and hearing, reassign classification and designation for any record series by a governmental entity if the governmental entity's classification or designation is inconsistent with this chapter.

(3) The records committee shall annually appoint an executive secretary to the records committee. The executive secretary may not serve as a voting member of the committee.

(4) Five members of the records committee are a quorum for the transaction of business.

(5) The state archives shall provide staff and support services for the records committee.

~~[(6) Unless otherwise reimbursed, the citizen member, the individual in the private sector, and the representative of the news media shall receive a per diem as established by the Division of Finance in Section 63A-3-106.]~~

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(7) If the records committee reassigns the classification or designation of a record or record series under Subsection (2)(b), any affected governmental entity or any other interested person may appeal the reclassification or redesignation to the district court. The district court shall hear the matter de novo.

(8) The Office of the Attorney General shall provide counsel to the records committee and shall review proposed retention schedules.

Section 149. Section **63G-6-201** is amended to read:

63G-6-201. Creation of procurement policy board.

(1) (a) There is created a state procurement policy board.

(b) The policy board shall consist of eight members who shall be appointed as follows:

(i) an employee of a state institution of higher education, appointed by the board of regents;

(ii) an employee of the Department of Human Services, appointed by the executive director of that department;

(iii) an employee of the Department of Transportation, appointed by the executive director of that department;

8151 (iv) an employee of a school district appointed by a cooperative purchasing entity for
8152 school districts;

8153 (v) an employee of the Division of Facilities Construction and Management appointed
8154 by the director of that division;

8155 (vi) an employee of a county, appointed by the Utah Association of Counties;

8156 (vii) an employee of a city, appointed by the Utah League of Cities and Towns; and

8157 (viii) an employee of a local district or special service district, appointed by the Utah
8158 Association of Special Districts.

8159 (c) Members of the policy board shall be knowledgeable and experienced in, and have
8160 supervisory responsibility for, procurement in their official positions.

8161 (2) Members shall be appointed to four-year staggered terms.

8162 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
8163 appointed for the unexpired term.

8164 (4) (a) The policy board shall:

8165 (i) adopt rules of procedure for conducting its business; and

8166 (ii) elect a chair to serve for one year.

8167 (b) The chair may be elected to succeeding terms.

8168 (c) The chief procurement officer shall serve as the nonvoting secretary to the policy
8169 board.

8170 ~~[(5) (a) (i) Members who are not government employees shall receive no compensation~~
8171 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
8172 ~~performance of the member's official duties at the rates established by the Division of Finance~~
8173 ~~under Sections 63A-3-106 and 63A-3-107.]~~

8174 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

8175 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~
8176 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
8177 ~~incurred in the performance of their official duties from the board at the rates established by the~~
8178 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8179 ~~[(ii) State government officer and employee members may decline to receive per diem~~
8180 ~~and expenses for their service.]~~

8181 ~~[(c) (i) Higher education members who do not receive salary, per diem, or expenses~~

from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]

~~[(ii) Higher education members may decline to receive per diem and expenses for their service.]~~

~~[(d)(i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Local government members may decline to receive per diem and expenses for their service.]~~

(5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 150. Section **63G-6-807** is amended to read:

63G-6-807. Creation of Procurement Appeals Board.

(1) (a) A Procurement Appeals Board is created in the executive branch. The Procurement Appeals Board shall be composed of a chair and one other member, to be appointed by the governor, and a third member to be designated by the two appointed members on a case-by-case basis.

(b) None of the members of the Procurement Appeals Board shall otherwise be full-time employees of the state.

(c) The appointed members of the Procurement Appeals Board shall have been members in good standing of the state bar for at least five years and shall be experienced in contract or commercial matters.

(d) The designated member shall possess the technical expertise and experience needed for the proper disposition of the factual issues presented by the case.

(2) (a) Except as required by Subsection (2)(b), as terms of current board members

8213 expire, the governor shall appoint each new member or reappointed member to a four-year
8214 term.

8215 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
8216 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
8217 board members are staggered so that approximately half of the board is appointed every two
8218 years.

8219 (c) The designated member shall serve for the case on which designated until the final
8220 disposition of the case.

8221 (d) Appointed members may be reappointed for succeeding terms and may continue to
8222 serve after the expiration of their terms until a successor takes office.

8223 (e) Qualified persons may be redesignated as members.

8224 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
8225 appointed for the unexpired term.

8226 ~~[(4)(a) Members shall receive no compensation or benefits for their services, but may~~
8227 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
8228 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8229 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

8230 (4) A member may not receive compensation or benefits for the member's service, but
8231 may receive per diem and travel expenses in accordance with:

8232 (a) Section 63A-3-106;

8233 (b) Section 63A-3-107; and

8234 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8235 63A-3-107.

8236 Section 151. Section **63H-2-202** is amended to read:

8237 **63H-2-202. Authority board.**

8238 (1) There is created a board of the authority that consists of seven members, appointed
8239 by the governor, except that the governor shall appoint:

8240 (a) one member from the Governor's Office of Economic Development;

8241 (b) three members from a public utility or electric interlocal entity that operates electric
8242 transmission facilities within the state as follows:

8243 (i) one member is to be appointed from recommendations from an investor-owned

8244 electric corporation that operates in this state;

8245 (ii) one member is to be appointed from recommendations from a wholesale electrical

8246 cooperative in the state; and

8247 (iii) one member is to be appointed from recommendations from an electric interlocal

8248 entity;

8249 (c) one member of the School and Institutional Trust Lands Board of Trustees created

8250 in Section 53C-1-202;

8251 (d) one representative of a business entity that produces a renewable energy source; and

8252 (e) one member of the general public.

8253 (2) (a) The term of a board member is four years.

8254 (b) Notwithstanding Subsection (2)(a), the governor shall, at the time of appointment

8255 or reappointment, adjust the length of terms to ensure that the terms of board members are

8256 staggered so that approximately half of the board is appointed every two years.

8257 (c) The governor may remove a member of the board for cause.

8258 (d) The governor shall fill a vacancy in the board in the same manner under this section

8259 as the appointment of the member whose vacancy is being filled.

8260 (e) An individual appointed to fill a vacancy shall serve the remaining unexpired term

8261 of the member whose vacancy the individual is filling.

8262 (f) A board member shall serve until a successor is appointed and qualified.

8263 (3) The governor shall appoint a member of the board to be the chair of the board,

8264 except that the member appointed as chair must be the member appointed under Subsection

8265 (1)(a).

8266 (4) (a) Four members of the board is a quorum for conducting board business.

8267 (b) A majority vote of the quorum present is required for an action to be taken by the

8268 board.

8269 (5) (a) The board shall meet at least quarterly on a date the board sets.

8270 (b) The chair of the board or any two members of the board may call additional

8271 meetings.

8272 ~~[(6) (a) (i) A member who is not a government employee may not receive~~

8273 ~~compensation or benefits for the member's service, but may receive per diem and expenses~~

8274 ~~incurred in the performance of the member's official duties at the rates established by the~~

8275 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8276 ~~[(ii) A member who is not a government employee may decline to receive per diem and~~
 8277 ~~expenses for the member's service.]~~

8278 ~~[(b)(i) A state government officer or employee member who does not receive salary,~~
 8279 ~~per diem, or expenses from the agency the member represents for the member's service may~~
 8280 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
 8281 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8282 ~~[(ii) A state government officer or employee member may decline to receive per diem~~
 8283 ~~and expenses for the member's service.]~~

8284 (6) A member may not receive compensation or benefits for the member's service, but
 8285 may receive per diem and travel expenses in accordance with:

8286 (a) Section 63A-3-106;

8287 (b) Section 63A-3-107; and

8288 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
 8289 63A-3-107.

8290 Section 152. Section **63I-3-206** is repealed and reenacted to read:

8291 **63I-3-206. Per diem and expenses of members.**

8292 A member may not receive compensation or benefits for the member's service, but may
 8293 receive per diem and travel expenses in accordance with:

8294 (1) Section 63A-3-106;

8295 (2) Section 63A-3-107; and

8296 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
 8297 63A-3-107.

8298 Section 153. Section **63I-4-201** is amended to read:

8299 **63I-4-201. Privatization Policy Board -- Created -- Membership -- Operations --**
 8300 **Expenses.**

8301 (1) (a) There is created a Privatization Policy Board composed of 17 members.

8302 (b) The governor shall appoint board members as follows:

8303 (i) two senators, one each from the majority and minority political parties, from names
 8304 recommended by the president of the Senate;

8305 (ii) two representatives, one each from the majority and minority political parties, from

8306 names recommended by the speaker of the House of Representatives;
8307 (iii) two members representing public employees, from names recommended by the
8308 largest public employees' association;
8309 (iv) one member from state management;
8310 (v) eight members from the private business community;
8311 (vi) one member representing the Utah League of Cities and Towns from names
8312 recommended by the Utah League of Cities and Towns; and
8313 (vii) one member representing the Utah Association of Counties from names
8314 recommended by the Utah Association of Counties.

8315 (2) (a) Except as required by Subsection (2)(b), a board member:
8316 (i) appointed under Subsection (1)(b)(i) or (ii) shall serve a two-year term; and
8317 (ii) appointed under Subsections (1)(b)(iii) through (vii) shall serve a four-year term.
8318 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
8319 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
8320 board members are staggered so that approximately half of the board is appointed every two
8321 years.

8322 (c) The governor shall on or before July 1, 2008 change the appointments to the board
8323 to reflect the membership requirements of Subsection (1)(b).

8324 (3) (a) A board member shall hold office until the board member's successor is
8325 appointed and qualified.

8326 (b) When a vacancy occurs in the membership for any reason, a replacement shall be
8327 appointed for the unexpired term.

8328 (c) Nine members of the board constitute a quorum.

8329 (d) The vote of a majority of board members voting when a quorum is present is
8330 necessary for the board to act.

8331 (4) (a) The board shall select one of the members to serve as chair of the board.
8332 (b) A chair shall serve as chair for a term of one-year, and may be selected as chair for
8333 more than one term.

8334 (5) The chief procurement officer or the chief procurement officer's designee shall staff
8335 the board.

8336 (6) The board shall meet:

8337 (a) at least quarterly; and

8338 (b) as necessary to conduct its business, as called by the chair.

8339 ~~[(7) (a) (i) A member who is not a government employee may not receive compensation~~
8340 ~~or benefits for the member's services, but may receive per diem and expenses incurred in the~~
8341 ~~performance of the member's official duties at the rates established by the Division of Finance~~
8342 ~~under Sections 63A-3-106 and 63A-3-107.]~~

8343 ~~[(ii) A member who is not a government employee may decline to receive per diem and~~
8344 ~~expenses for the member's service.]~~

8345 ~~[(b) (i) A state government officer and employee member who does not receive salary,~~
8346 ~~per diem, or expenses from the member's agency for the member's service may receive per~~
8347 ~~diem and expenses incurred in the performance of the member's official duties from the board~~
8348 ~~at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8349 ~~[(ii) A government officer and employee member may decline to receive per diem and~~
8350 ~~expenses for the member's service.]~~

8351 ~~[(c) (i) A local government member who does not receive salary, per diem, or expenses~~
8352 ~~from the entity that the member represents for the member's service may receive per diem and~~
8353 ~~expenses incurred in the performance of the member's official duties at the rates established by~~
8354 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8355 ~~[(ii) A local government member may decline to receive per diem and expenses for the~~
8356 ~~member's service.]~~

8357 ~~[(d) Legislators on the board shall receive compensation and expenses as provided by~~
8358 ~~law and legislative rule.]~~

8359 (7) A member may not receive compensation or benefits for the member's service, but
8360 may receive per diem and travel expenses in accordance with:

8361 (a) Section 63A-3-106;

8362 (b) Section 63A-3-107; and

8363 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8364 63A-3-107.

8365 Section 154. Section **63J-4-502** is amended to read:

8366 **63J-4-502. Membership -- Terms -- Chair -- Expenses.**

8367 (1) The Resource Development Coordinating Committee shall consist of the following

8368 25 members:

8369 (a) the state science advisor;

8370 (b) a representative from the Department of Agriculture and Food appointed by the
8371 executive director;

8372 (c) a representative from the Department of Community and Culture appointed by the
8373 executive director;

8374 (d) a representative from the Department of Environmental Quality appointed by the
8375 executive director;

8376 (e) a representative from the Department of Natural Resources appointed by the
8377 executive director;

8378 (f) a representative from the Department of Transportation appointed by the executive
8379 director;

8380 (g) a representative from the Governor's Office of Economic Development appointed
8381 by the director;

8382 (h) a representative from the Division of Housing and Community Development
8383 appointed by the director;

8384 (i) a representative from the Division of State History appointed by the director;

8385 (j) a representative from the Division of Air Quality appointed by the director;

8386 (k) a representative from the Division of Drinking Water appointed by the director;

8387 (l) a representative from the Division of Environmental Response and Remediation
8388 appointed by the director;

8389 (m) a representative from the Division of Radiation appointed by the director;

8390 (n) a representative from the Division of Solid and Hazardous Waste appointed by the
8391 director;

8392 (o) a representative from the Division of Water Quality appointed by the director;

8393 (p) a representative from the Division of Oil, Gas, and Mining appointed by the
8394 director;

8395 (q) a representative from the Division of Parks and Recreation appointed by the
8396 director;

8397 (r) a representative from the Division of Forestry, Fire, and State Lands appointed by
8398 the director;

8399 (s) a representative from the Utah Geological Survey appointed by the director;
8400 (t) a representative from the Division of Water Resources appointed by the director;
8401 (u) a representative from the Division of Water Rights appointed by the director;
8402 (v) a representative from the Division of Wildlife Resources appointed by the director;
8403 (w) a representative from the School and Institutional Trust Lands Administration
8404 appointed by the director;
8405 (x) a representative from the Division of Facilities Construction and Management
8406 appointed by the director; and

8407 (y) a representative from the Division of Homeland Security appointed by the director.

8408 (2) (a) As particular issues require, the committee may, by majority vote of the
8409 members present, and with the concurrence of the state planning coordinator, appoint
8410 additional temporary members to serve as ex officio voting members.

8411 (b) Those ex officio members may discuss and vote on the issue or issues for which
8412 they were appointed.

8413 (3) A chair shall be selected by a majority vote of committee members with the
8414 concurrence of the state planning coordinator.

8415 ~~[(4)(a)(i) Members who are not government employees shall receive no compensation~~
8416 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
8417 ~~performance of the member's official duties at the rates established by the Division of Finance~~
8418 ~~under Sections 63A-3-106 and 63A-3-107.]~~

8419 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

8420 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
8421 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
8422 ~~incurred in the performance of their official duties from the council at the rates established by~~
8423 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8424 ~~[(ii) State government officer and employee members may decline to receive per diem~~
8425 ~~and expenses for their service.]~~

8426 (4) A member may not receive compensation or benefits for the member's service, but
8427 may receive per diem and travel expenses in accordance with:

8428 (a) Section 63A-3-106;

8429 (b) Section 63A-3-107; and

8430 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8431 63A-3-107.

8432 Section 155. Section **63K-3-201** is amended to read:

8433 **63K-3-201. Emergency Management Administration Council created -- Function**
8434 **-- Composition -- Expenses.**

8435 (1) There is created the Emergency Management Administration Council to provide
8436 advice and coordination for state and local government agencies on government emergency
8437 prevention, mitigation, preparedness, response, and recovery actions and activities.

8438 (2) The council shall meet at the call of the chair, but at least quarterly.

8439 (3) The council shall be made up of the:

8440 (a) lieutenant governor, or the lieutenant governor's designee;

8441 (b) attorney general, or the attorney general's designee;

8442 (c) heads of the following state agencies, or their designees:

8443 (i) Department of Public Safety;

8444 (ii) Division of Homeland Security;

8445 (iii) Department of Transportation;

8446 (iv) Department of Health;

8447 (v) Department of Environmental Quality;

8448 (vi) Department of Community and Economic Development; and

8449 (vii) Department of Natural Resources;

8450 (d) adjutant general of the National Guard or the adjutant general's designee;

8451 (e) commissioner of agriculture and food or the commissioner's designee;

8452 (f) two representatives with expertise in emergency management appointed by the Utah
8453 League of Cities and Towns;

8454 (g) two representatives with expertise in emergency management appointed by the
8455 Utah Association of Counties;

8456 (h) up to four additional members with expertise in homeland security, critical
8457 infrastructure, or key resources as these terms are defined under 6 U.S. Code Section 101
8458 appointed from the private sector, by the chair of the council; and

8459 (i) two representatives appointed by the Utah Emergency Management Association.

8460 (4) The commissioner of Public Safety and the lieutenant governor shall serve as

8461 co-chairs of the council.

8462 ~~[(5) (a) State government officer and employee members who do not receive salary, per~~
8463 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
8464 ~~incurred in the performance of their official duties from the council at the rates established by~~
8465 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8466 ~~[(b) State government officer and employee members may decline to receive per diem~~
8467 ~~and expenses for their service.]~~

8468 (5) A member may not receive compensation or benefits for the member's service, but
8469 may receive per diem and travel expenses in accordance with:

8470 (a) Section 63A-3-106;

8471 (b) Section 63A-3-107; and

8472 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8473 63A-3-107.

8474 (6) The council shall coordinate with existing emergency management related entities
8475 including:

8476 (a) the Homeland Security Regional Committees established by the Department of
8477 Public Safety;

8478 (b) the Statewide Mutual Aid Committee established under Section 53-2-503; and

8479 (c) the Hazardous Chemical Emergency Response Commission designated under
8480 Section 63K-3-301.

8481 (7) The council may establish other committees and task forces as determined
8482 necessary by the council to carry out the duties of the council.

8483 Section 156. Section **63K-3-301** is amended to read:

8484 **63K-3-301. Hazardous Chemical Emergency Response Commission -- Allocation**
8485 **of responsibilities -- Local planning committees -- Specified federal law considered law of**
8486 **state -- Application to federal agencies and facilities.**

8487 (1) (a) The commissioner of the Department of Public Safety and the executive director
8488 of the Department of Environmental Quality, or their respective designees, are designated as
8489 the state's Hazardous Chemical Emergency Response Commission for purposes of carrying out
8490 all requirements of the federal Emergency Planning and Community Right To Know Act of
8491 1986.

~~[(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the commission at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

(b) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(2) The Department of Public Safety has primary responsibility for all emergency planning activities under the federal Emergency Planning and Community Right To Know Act of 1986, and shall prepare policy and procedure and make rules necessary for implementation of that act in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(3) The Department of Environmental Quality has primary responsibility for receiving, processing, and managing hazardous chemical information and notifications under the federal Emergency Planning and Community Right To Know Act of 1986, including preparation of policy and procedure, and promulgation of rules necessary for implementation of that act. Funding for this program must be from the appropriation acts.

(4) The Department of Public Safety and the Department of Environmental Quality shall enter into an interagency agreement providing for exchange of information and coordination of their respective duties and responsibilities under this section.

(5) (a) The Hazardous Chemical Emergency Response Commission shall appoint a local planning committee for each local planning district that it establishes, as required by the federal Emergency Planning and Community Right To Know Act of 1986, and to the extent possible, shall use an existing local governmental organization as the local planning committee.

(b) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance

8523 under Sections 63A-3-106 and 63A-3-107.

8524 (ii) Local government members may decline to receive per diem and expenses for their
8525 service.

8526 (6) Requirements of the federal Emergency Planning and Community Right To Know
8527 Act of 1986 pertaining to notification and submission of information are the law of this state,
8528 and apply equally to federal agencies, departments, installations, and facilities located in this
8529 state, as well as to other facilities that are subject to that act.

8530 Section 157. Section **63M-1-302** is amended to read:

8531 **63M-1-302. Members -- Meetings -- Expenses.**

8532 (1) (a) The board shall consist of 15 members appointed by the governor to four-year
8533 terms of office with the consent of the Senate.

8534 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the
8535 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
8536 board members are staggered so that approximately half of the board is appointed every two
8537 years.

8538 (c) The members may not serve more than two full consecutive terms except where the
8539 governor determines that an additional term is in the best interest of the state.

8540 (2) Not more than eight members of the board may be from one political party.

8541 (3) The members shall be representative of all areas of the state.

8542 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
8543 appointed for the unexpired term.

8544 (5) Eight members of the board constitute a quorum for conducting board business and
8545 exercising board power.

8546 (6) The governor shall select one of the board members as its chair.

8547 ~~[(7) (a) Members shall receive no compensation or benefits for their services, but may~~
8548 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
8549 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8550 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

8551 (7) A member may not receive compensation or benefits for the member's service, but
8552 may receive per diem and travel expenses in accordance with:

8553 (a) Section 63A-3-106;

8554 (b) Section 63A-3-107; and

8555 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8556 63A-3-107.

8557 Section 158. Section **63M-1-604** is amended to read:

8558 **63M-1-604. Members -- Appointment -- Terms -- Qualifications -- Vacancies --**
8559 **Chair and vice chair -- Executive secretary -- Executive committee -- Quorum --**
8560 **Expenses.**

8561 (1) The council comprises the following nonvoting members or their designees:

8562 (a) the adviser;

8563 (b) the executive director of the Department of Natural Resources;

8564 (c) the executive director of the Department of Community and Culture;

8565 (d) the executive director of the Department of Health;

8566 (e) the executive director of the Department of Environmental Quality;

8567 (f) the commissioner of agriculture and food;

8568 (g) the commissioner of higher education;

8569 (h) the state planning coordinator; and

8570 (i) the executive director of the Department of Transportation.

8571 (2) The governor may appoint other voting members, not to exceed 12.

8572 (3) (a) Except as required by Subsection (3)(b), as terms of current council members
8573 expire, the governor shall appoint each new member or reappointed member to a four-year
8574 term.

8575 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
8576 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
8577 council members are staggered so that approximately half of the council is appointed every two
8578 years.

8579 (4) The governor shall consider all institutions of higher education in the state in the
8580 appointment of council members.

8581 (5) The voting members of the council shall be experienced or knowledgeable in the
8582 application of science and technology to business, industry, or public problems and have
8583 demonstrated their interest in and ability to contribute to the accomplishment of the purposes of
8584 this part.

8585 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
8586 appointed for the unexpired term.

8587 (7) (a) Each year the council shall select from its membership a chair and a vice chair.

8588 (b) The chair and vice chair shall hold office for one year or until a successor is
8589 appointed and qualified.

8590 (8) The adviser serves as executive secretary of the council.

8591 (9) An executive committee shall be established consisting of the chair, vice chair, and
8592 the adviser.

8593 (10) (a) In order to conduct business matters of the council at regularly convened
8594 meetings, a quorum consisting of a simple majority of the total voting membership of the
8595 council is required.

8596 (b) All matters of business affecting public policy require not less than a simple
8597 majority of affirmative votes of the total membership.

8598 ~~[(11) (a) (i) Members who are not government employees shall receive no~~
8599 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
8600 ~~the performance of the member's official duties at the rates established by the Division of~~
8601 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

8602 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

8603 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~
8604 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
8605 ~~incurred in the performance of their official duties from the council at the rates established by~~
8606 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8607 ~~[(ii) State government officer and employee members may decline to receive per diem~~
8608 ~~and expenses for their service.]~~

8609 ~~[(c) (i) Higher education members who do not receive salary, per diem, or expenses~~
8610 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
8611 ~~in the performance of their official duties from the committee at the rates established by the~~
8612 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8613 ~~[(ii) Higher education members may decline to receive per diem and expenses for their~~
8614 ~~service.]~~

8615 (11) A member may not receive compensation or benefits for the member's service, but

8616 may receive per diem and travel expenses in accordance with:

8617 (a) Section 63A-3-106;

8618 (b) Section 63A-3-107; and

8619 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8620 63A-3-107.

8621 Section 159. Section **63M-1-1205** is amended to read:

8622 **63M-1-1205. Board members -- Meetings -- Expenses.**

8623 (1) (a) The board shall consist of five members.

8624 (b) Of the five members:

8625 (i) one shall be the state treasurer;

8626 (ii) one shall be the director or the director's designee; and

8627 (iii) three shall be appointed by the governor and confirmed by the Senate.

8628 (c) The three members appointed by the governor shall serve four-year staggered terms
8629 with the initial terms of the first three members to be four years for one member, three years for
8630 one member, and two years for one member.

8631 (2) When a vacancy occurs in the membership of the board for any reason, the vacancy
8632 shall be:

8633 (a) filled in the same manner as the appointment of the original member; and

8634 (b) for the unexpired term of the board member being replaced.

8635 (3) Appointed members of the board may not serve more than two full consecutive
8636 terms except where the governor determines that an additional term is in the best interest of the
8637 state.

8638 (4) Three members of the board constitute a quorum for conducting business and
8639 exercising board power, provided that a minimum of three affirmative votes is required for
8640 board action and at least one of the affirmative votes is cast by either the director or the
8641 director's designee or the state treasurer.

8642 ~~[(5) (a) Members of the board may not receive compensation or benefits for their~~
8643 ~~services, but may receive per diem and expenses incurred in the performance of the members'~~
8644 ~~official duties at rates established by the Division of Finance under Sections 63A-3-106 and~~
8645 ~~63A-3-107.]~~

8646 ~~[(b) Members of the board may decline to receive per diem and expenses for their~~

8647 ~~services.]~~

8648 (5) A member may not receive compensation or benefits for the member's service, but
8649 may receive per diem and travel expenses in accordance with:

8650 (a) Section 63A-3-106;

8651 (b) Section 63A-3-107; and

8652 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8653 63A-3-107.

8654 (6) Members of the board shall be selected on the basis of demonstrated expertise and
8655 competence in:

8656 (a) the supervision of investment managers;

8657 (b) the fiduciary management of investment funds; or

8658 (c) the management and administration of tax credit allocation programs.

8659 (7) The board and its members are considered to be a governmental entity with all of
8660 the rights, privileges, and immunities of a governmental entity of the state, including all of the
8661 rights and benefits conferred under Title 63G, Chapter 7, Governmental Immunity Act of Utah.

8662 (8) Meetings of the board, except to the extent necessary to protect the information
8663 identified in Subsection 63M-1-1224(3), are subject to Title 52, Chapter 4, Open and Public
8664 Meetings Act.

8665 Section 160. Section **63M-1-1402** is amended to read:

8666 **63M-1-1402. Members -- Meetings -- Expenses.**

8667 (1) (a) The board shall consist of 13 members appointed by the governor to four-year
8668 terms of office with the consent of the Senate.

8669 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the
8670 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
8671 board members are staggered so that approximately half of the board is appointed every two
8672 years.

8673 (2) The members may not serve more than two full consecutive terms unless the
8674 governor determines that an additional term is in the best interest of the state.

8675 (3) Not more than seven members of the board may be of the same political party.

8676 (4) (a) The members shall be representative of:

8677 (i) all areas of the state with six being appointed from separate geographical areas as

8678 provided in Subsection (4)(b); and

8679 (ii) a diverse mix of business ownership or executive management of tourism related
8680 industries.

8681 (b) The geographical representatives shall be appointed as follows:

8682 (i) one member from Salt Lake, Tooele, or Morgan County;

8683 (ii) one member from Davis, Weber, Box Elder, Cache, or Rich County;

8684 (iii) one member from Utah, Summit, Juab, or Wasatch County;

8685 (iv) one member from Carbon, Emery, Grand, Duchesne, Daggett, or Uintah County;

8686 (v) one member from San Juan, Piute, Wayne, Garfield, or Kane County; and

8687 (vi) one member from Washington, Iron, Beaver, Sanpete, Sevier, or Millard County.

8688 (c) The tourism industry representatives of ownership or executive management shall
8689 be appointed as follows:

8690 (i) one member from ownership or executive management of the lodging industry, as
8691 recommended by the lodging industry for the governor's consideration;

8692 (ii) one member from ownership or executive management of the restaurant industry,
8693 as recommended by the restaurant industry for the governor's consideration;

8694 (iii) one member from ownership or executive management of the ski industry, as
8695 recommended by the ski industry for the governor's consideration; and

8696 (iv) one member from ownership or executive management of the motor vehicle rental
8697 industry, as recommended by the motor vehicle rental industry for the governor's consideration.

8698 (d) One member shall be appointed at large from ownership or executive management
8699 of business, finance, economic policy, or the academic media marketing community.

8700 (e) One member shall be appointed from the Utah Tourism Industry Coalition as
8701 recommended by the coalition for the governor's consideration.

8702 (f) One member shall be appointed to represent the state's counties as recommended by
8703 the Utah Association of Counties for the governor's consideration.

8704 (g) (i) The governor may choose to disregard a recommendation made for a board
8705 member under Subsections (4)(c), (e), and (f).

8706 (ii) The governor shall request additional recommendations if recommendations are
8707 disregarded under Subsection (4)(g)(i).

8708 (5) When a vacancy occurs in the membership for any reason, the replacement shall be

8709 appointed for the unexpired term from the same geographic area or industry representation as
8710 the member whose office was vacated.

8711 (6) Seven members of the board constitute a quorum for conducting board business and
8712 exercising board powers.

8713 (7) The governor shall select one of the board members as chair and one of the board
8714 members as vice chair, each for a four-year term as recommended by the board for the
8715 governor's consideration.

8716 ~~[(8)(a) Members shall receive no compensation or benefits for their services, but may~~
8717 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
8718 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8719 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

8720 (8) A member may not receive compensation or benefits for the member's service, but
8721 may receive per diem and travel expenses in accordance with:

8722 (a) Section 63A-3-106;

8723 (b) Section 63A-3-107; and

8724 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8725 63A-3-107.

8726 (9) The board shall meet monthly or as often as the board determines to be necessary at
8727 various locations throughout the state.

8728 (10) Members who may have a potential conflict of interest in consideration of fund
8729 allocation decisions shall identify the potential conflict prior to voting on the issue.

8730 (11) (a) The board shall determine attendance requirements for maintaining a
8731 designated board seat.

8732 (b) If a board member fails to attend according to the requirements established
8733 pursuant to Subsection (11)(a), the board member shall be replaced upon written certification
8734 from the board chair or vice chair to the governor.

8735 (c) A replacement appointed by the governor under Subsection (11)(b) shall serve for
8736 the remainder of the board member's unexpired term.

8737 (12) The board's office shall be in Salt Lake City.

8738 Section 161. Section **63M-1-1503** is amended to read:

8739 **63M-1-1503. Advisory board.**

8740 (1) (a) There is created within the office the Utah Pioneer Communities Advisory
8741 Board.

8742 (b) The Permanent Community Impact Fund Board created in Section 9-4-304 shall act
8743 as the advisory board.

8744 (2) The advisory board shall have the powers and duties described in Section
8745 63M-1-1504 and shall operate the Utah Pioneer Communities Program in accordance with
8746 Section 63M-1-1505.

8747 (3) The director shall designate an employee of the office to serve as a nonvoting
8748 secretary for the advisory board.

8749 ~~[(4) (a) (i) Members who are not government employees shall receive no compensation~~
8750 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
8751 ~~performance of the member's official duties at the rates established by the Division of Finance~~
8752 ~~under Sections 63A-3-106 and 63A-3-107.]~~

8753 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

8754 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~
8755 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
8756 ~~incurred in the performance of their official duties from the board at the rates established by the~~
8757 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8758 ~~[(ii) State government officer and employee members may decline to receive per diem~~
8759 ~~and expenses for their service.]~~

8760 ~~[(c) (i) Higher education members who do not receive salary, per diem, or expenses~~
8761 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
8762 ~~in the performance of their official duties from the committee at the rates established by the~~
8763 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8764 ~~[(ii) Higher education members may decline to receive per diem and expenses for their~~
8765 ~~service.]~~

8766 ~~[(d) (i) Local government members who do not receive salary, per diem, or expenses~~
8767 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
8768 ~~in the performance of their official duties at the rates established by the Division of Finance~~
8769 ~~under Sections 63A-3-106 and 63A-3-107.]~~

8770 ~~[(ii) Local government members may decline to receive per diem and expenses for~~

8771 ~~their service.]~~

8772 (4) A member may not receive compensation or benefits for the member's service, but
8773 may receive per diem and travel expenses in accordance with:

8774 (a) Section 63A-3-106;

8775 (b) Section 63A-3-107; and

8776 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8777 63A-3-107.

8778 Section 162. Section **63M-1-2611** is amended to read:

8779 **63M-1-2611. Advisory committee.**

8780 (1) The director may appoint an advisory committee comprised of:

8781 (a) representatives of:

8782 (i) the affected department for the proposal;

8783 (ii) a directly affected state entity or school district;

8784 (iii) the Department of Human Resource Management; and

8785 (iv) the Division of Risk Management;

8786 (b) members of the public; and

8787 (c) other members.

8788 ~~[(2) Members of an advisory committee shall receive no compensation or benefits for~~
8789 ~~their services, but may receive per diem and expenses incurred in the performance of the~~
8790 ~~members' official duties at the rates established by the Division of Finance under Sections~~
8791 ~~63A-3-106 and 63A-3-107.]~~

8792 ~~[(3) Members of an advisory committee may decline to receive per diem and expenses~~
8793 ~~for their service.]~~

8794 (2) A member of an advisory committee may not receive compensation or benefits for
8795 the member's service, but may receive per diem and travel expenses in accordance with:

8796 (a) Section 63A-3-106;

8797 (b) Section 63A-3-107; and

8798 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8799 63A-3-107.

8800 ~~[(4)]~~ (3) An advisory committee appointed in accordance with Subsection (1) may not
8801 participate in the final decision-making of the committee or the board.

8802 ~~[(5)]~~ (4) The staff, any outside consultant, and any advisory subcommittee shall:

8803 (a) provide the committee and the board with professional services, including
8804 architectural, engineering, legal, and financial services, to develop rules and guidelines to
8805 implement the program described in this part; and

8806 (b) assist the committee and the board in:

8807 (i) reviewing and commenting on initial proposals;

8808 (ii) reviewing and commenting on detailed proposals; and

8809 (iii) preparing and negotiating the terms of any project agreement.

8810 Section 163. Section **63M-1-2706** is amended to read:

8811 **63M-1-2706. Utah Business Resource Centers Advisory Board -- Creation --**

8812 **Membership -- Vacancies -- Chairs.**

8813 (1) There is created the Utah Business Resource Centers Advisory Board, composed of
8814 at least nine members appointed by the executive director of the Governor's Office of
8815 Economic Development.

8816 (2) The executive director:

8817 (a) shall appoint one member from each host institution;

8818 (b) shall appoint three members from urban areas in the state; and

8819 (c) shall appoint two members from rural areas in the state.

8820 (3) Each board member shall have a background or expertise in any one or all of the
8821 following:

8822 (a) state or local economic development;

8823 (b) business networking, growth, or development;

8824 (c) entrepreneurship;

8825 (d) business management or administration; or

8826 (e) the establishment of partnerships or collaborative efforts with state, local, and
8827 federal agencies and institutions, as well as private entities.

8828 (4) (a) The executive director shall appoint board members for four-year terms.

8829 (b) The board shall, at the time of appointment or reappointment, adjust the length of
8830 terms to ensure that the terms of these members are staggered so that approximately half of the
8831 members are appointed every two years.

8832 (c) When a vacancy occurs in the membership for any reason, the replacement shall be

8833 appointed by the executive director for the unexpired term in the same manner as the vacated
8834 member was chosen.

8835 (5) The board shall elect one of its members as a chair of the board for a two-year term.

8836 (6) The board shall meet at the call of the chair, but at least quarterly.

8837 (7) (a) A majority of the members of the board constitute a quorum.

8838 (b) The action of a majority of a quorum constitutes the action of the board.

8839 ~~[(8)(a) A board member may not receive compensation or benefits for the member's~~
8840 ~~service, but may receive per diem and expenses incurred in the performance of the member's~~
8841 ~~official duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~
8842 ~~63A-3-107.]~~

8843 ~~[(b) A member may decline to receive per diem and expenses authorized under Section~~
8844 ~~(8)(a).]~~

8845 (8) A member may not receive compensation or benefits for the member's service, but
8846 may receive per diem and travel expenses in accordance with:

8847 (a) Section 63A-3-106;

8848 (b) Section 63A-3-107; and

8849 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8850 63A-3-107.

8851 Section 164. Section **63M-2-301** is amended to read:

8852 **63M-2-301. The Utah Science Technology and Research Governing Authority --**
8853 **Creation -- Membership -- Meetings -- Staff.**

8854 (1) There is created the Utah Science Technology and Research Governing Authority
8855 consisting of the state treasurer, the executive director of the Governor's Office of Economic
8856 Development, and the following eight members appointed as follows with the consent of the
8857 Senate:

8858 (a) three appointed by the governor;

8859 (b) two appointed by the president of the Senate;

8860 (c) two appointed by the speaker of the House of Representatives; and

8861 (d) one appointed by the commissioner of higher education.

8862 (2) (a) (i) The eight appointed members shall serve four-year staggered terms.

8863 (ii) The appointed members may not serve more than two full consecutive terms.

8864 (b) Notwithstanding Subsection (2)(a)(i), the terms of the first members of the
8865 governing authority shall be staggered by lot so that half of the initial members serve two-year
8866 terms and half serve four-year terms.

8867 (3) Vacancies in the appointed positions on the governing authority shall be filled by
8868 the appointing authority with consent of the Senate for the unexpired term.

8869 (4) (a) The governor shall select the chair of the governing authority to serve a one-year
8870 term.

8871 (b) The executive director of the Governor's Office of Economic Development shall
8872 serve as the vice chair of the governing authority.

8873 (5) The governing authority shall meet at least monthly and may meet more frequently
8874 at the request of a majority of the members of the governing authority.

8875 (6) Five members of the governing authority are a quorum.

8876 ~~[(7)(a) Members who are not government employees shall receive no compensation or~~
8877 ~~benefits for their services, but may receive per diem and expenses incurred in the performance~~
8878 ~~of the member's official duties at the rates established by the Division of Finance under~~
8879 ~~Sections 63A-3-106 and 63A-3-107.]~~

8880 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

8881 (7) A member may not receive compensation or benefits for the member's service, but
8882 may receive per diem and travel expenses in accordance with:

8883 (a) Section 63A-3-106;

8884 (b) Section 63A-3-107; and

8885 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8886 63A-3-107.

8887 (8) (a) (i) The governing authority shall hire a full-time executive director to provide
8888 staff support for the governing authority.

8889 (ii) The executive director is an at-will employee who may be terminated without cause
8890 by the governor or by majority vote of the governing authority.

8891 (b) The Governor's Office of Economic Development shall provide office space and
8892 administrative support for the executive director.

8893 Section 165. Section **63M-2-303** is amended to read:

8894 **63M-2-303. Utah Science Technology and Research Governing Authority**

8895 **Advisory Council -- Chair -- Meetings.**

8896 (1) There is created the Utah Science Technology and Research Governing Authority
8897 Advisory Council consisting of 12 members appointed as follows:

8898 (a) one member appointed by the director of the Governor's Office of Economic
8899 Development;

8900 (b) one member appointed by the Utah Information Technology Association;

8901 (c) one member appointed by the Utah Nanotechnology Initiative;

8902 (d) one member appointed by the Economic Development Corporation of Utah;

8903 (e) one member appointed by the Utah Life Science Association;

8904 (f) one member appointed by the Salt Lake Area Chamber of Commerce;

8905 (g) one member appointed by the Provo-Orem Chamber of Commerce;

8906 (h) one member appointed by the Davis Area Chamber of Commerce;

8907 (i) one member appointed by the Ogden-Weber Chamber of Commerce;

8908 (j) one member appointed by the Cache Chamber of Commerce;

8909 (k) one member appointed by the St. George Area Chamber of Commerce; and

8910 (l) one member appointed by the Vernal Chamber of Commerce.

8911 (2) The governing authority shall consult with the advisory council about the project.

8912 (3) The advisory council shall select a chair from among its members to serve a
8913 two-year term.

8914 (4) The advisory council shall convene whenever the governing authority requests a
8915 meeting for consultation.

8916 ~~[(5)(a)(i) Members who are not government employees shall receive no compensation~~
8917 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
8918 ~~performance of the member's official duties at the rates established by the Division of Finance~~
8919 ~~under Sections 63A-3-106 and 63A-3-107.]~~

8920 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

8921 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
8922 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
8923 ~~incurred in the performance of their official duties from the committee at the rates established~~
8924 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8925 ~~[(ii) State government officer and employee members may decline to receive per diem~~

8926 ~~and expenses for their service.]~~

8927 (5) A member may not receive compensation or benefits for the member's service, but
8928 may receive per diem and travel expenses in accordance with:

8929 (a) Section 63A-3-106;

8930 (b) Section 63A-3-107; and

8931 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8932 63A-3-107.

8933 Section 166. Section **63M-7-207** is repealed and reenacted to read:

8934 **63M-7-207. Members serve without pay -- Reimbursement for expenses.**

8935 A member may not receive compensation or benefits for the member's service, but may
8936 receive per diem and travel expenses in accordance with:

8937 (1) Section 63A-3-106;

8938 (2) Section 63A-3-107; and

8939 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8940 63A-3-107.

8941 Section 167. Section **63M-7-302** is amended to read:

8942 **63M-7-302. Chair -- Vacancies -- Quorum -- Expenses.**

8943 (1) The Utah Substance Abuse and Anti-Violence Coordinating Council shall annually
8944 select one of its members to serve as chair.

8945 (2) When a vacancy occurs in the membership for any reason, the replacement shall be
8946 appointed for the unexpired term in the same manner as the position was originally filled.

8947 (3) A majority of the members of the council constitutes a quorum.

8948 ~~[(4)(a)(i) Members who are not government employees shall receive no compensation~~
8949 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
8950 ~~performance of the member's official duties at the rates established by the Division of Finance~~
8951 ~~under Sections 63A-3-106 and 63A-3-107.]~~

8952 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

8953 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
8954 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
8955 ~~incurred in the performance of their official duties from the council at the rates established by~~
8956 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8957 ~~[(ii) State government officer and employee members may decline to receive per diem~~
8958 ~~and expenses for their service.]~~

8959 ~~[(c) Legislators on the council shall receive compensation and expenses as provided by~~
8960 ~~law and legislative rule.]~~

8961 ~~[(d) (i) Local government members who do not receive salary, per diem, or expenses~~
8962 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
8963 ~~in the performance of their official duties at the rates established by the Division of Finance~~
8964 ~~under Sections 63A-3-106 and 63A-3-107.]~~

8965 ~~[(ii) Local government members may decline to receive per diem and expenses for~~
8966 ~~their service.]~~

8967 (4) A member may not receive compensation or benefits for the member's service, but
8968 may receive per diem and travel expenses in accordance with:

8969 (a) Section 63A-3-106;

8970 (b) Section 63A-3-107; and

8971 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8972 63A-3-107.

8973 (5) The council may establish subcommittees as needed to assist in accomplishing its
8974 duties under Section 63M-7-303.

8975 Section 168. Section **63M-7-304** is amended to read:

8976 **63M-7-304. Chair -- Vacancies -- Quorum -- Expenses.**

8977 (1) The members of each subcommittee established by the council shall annually select
8978 a chair or co-chairs from among the members of the subcommittee.

8979 (2) When a vacancy occurs in the membership for any reason, the replacement shall be
8980 appointed for the unexpired term in the same manner as the position was originally filled.

8981 (3) A majority of the members of a subcommittee constitutes a quorum for the
8982 transaction of business by the subcommittee.

8983 ~~[(4) (a) (i) Members who are not government employees shall receive no compensation~~
8984 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
8985 ~~performance of the member's official duties at the rates established by the Division of Finance~~
8986 ~~under Sections 63A-3-106 and 63A-3-107.]~~

8987 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

~~[(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

~~[(c) Legislators on the subcommittee shall receive compensation and expenses as provided by law and legislative rule.]~~

~~[(d) Members from higher education may not receive per diem or expenses for their service.]~~

~~[(e) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Local government members may decline to receive per diem and expenses for their service.]~~

(4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 169. Section **63M-7-405** is amended to read:

63M-7-405. Compensation of members -- Reports to the Legislature, the courts, and the governor.

~~[(1) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

~~[(b) (i) State government officer and employee members who do not receive salary, per~~

9019 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
9020 ~~incurred in the performance of their official duties from the commission at the rates established~~
9021 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9022 ~~[(ii) State government officer and employee members may decline to receive per diem~~
9023 ~~and expenses for their service.]~~

9024 (1) A member may not receive compensation or benefits for the member's service, but
9025 may receive per diem and travel expenses in accordance with:

9026 (a) Section 63A-3-106;

9027 (b) Section 63A-3-107; and

9028 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9029 63A-3-107.

9030 (2) The commission shall submit to the Legislature, the courts, and to the governor at
9031 least 60 days prior to the annual general session of the Legislature its reports and
9032 recommendations for sentencing guidelines and amendments. It is intended that the
9033 commission utilize existing data and resources from state criminal justice agencies. The
9034 commission is authorized to employ professional assistance and other staff members as it
9035 considers necessary or desirable.

9036 (3) The commission shall be responsive to all three branches of government, but be
9037 part of the Commission on Criminal and Juvenile Justice for coordination on criminal and
9038 juvenile justice issues, budget, and administrative support.

9039 Section 170. Section **63M-7-504** is amended to read:

9040 **63M-7-504. Crime Victim Reparations Board -- Members.**

9041 (1) (a) A Crime Victim Reparations Board is created, consisting of seven members
9042 appointed by the governor with the consent of the Senate.

9043 (b) The membership of the board shall consist of:

9044 (i) a member of the bar of this state;

9045 (ii) a victim of criminally injurious conduct;

9046 (iii) a licensed physician;

9047 (iv) a representative of law enforcement;

9048 (v) a mental health care provider; and

9049 (vi) two other private citizens.

(c) The governor may appoint a chair of the board who shall serve for a period of time prescribed by the governor, not to exceed the length of the chair's term. The board may elect a vice chair to serve in the absence of the chair.

(d) The board may hear appeals from administrative decisions as provided in rules adopted pursuant to Section 63M-7-515.

(2) (a) Except as required by Subsection (2)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(c) A member may be reappointed to one successive term.

(3) (a) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(b) A member resigning from the board shall serve until the member's successor is appointed and qualified.

~~[(4)(a)(i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

~~[(b)(i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

(4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

9081 (b) Section 63A-3-107; and

9082 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9083 63A-3-107.

9084 (5) The board shall meet at least once quarterly but may meet more frequently as
9085 necessary.

9086 Section 171. Section **63M-7-604** is repealed and reenacted to read:

9087 **63M-7-604. Compensation of members.**

9088 A member may not receive compensation or benefits for the member's service, but may
9089 receive per diem and travel expenses in accordance with:

9090 (1) Section 63A-3-106;

9091 (2) Section 63A-3-107; and

9092 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9093 63A-3-107.

9094 Section 172. Section **63M-8-202** is amended to read:

9095 **63M-8-202. Members -- Appointment -- Terms -- Vacancies -- Expenses.**

9096 (1) (a) Except as required by Subsection (1)(b), the commission shall consist of up to
9097 15 members to be appointed by the governor for a four-year term.

9098 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the
9099 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
9100 commission members are staggered so that approximately half of the commission is appointed
9101 every two years.

9102 (c) Members may serve two consecutive appointments.

9103 (d) In making appointments, the governor shall insure that no more than one more than
9104 half the membership is from the same political party.

9105 (2) When a vacancy occurs in the membership for any reason, the replacement shall be
9106 appointed by the governor for the remainder of the unexpired term.

9107 ~~[(3)(a) Members shall receive no compensation or benefits for their services, but may~~
9108 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
9109 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9110 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

9111 (3) A member may not receive compensation or benefits for the member's service, but

9112 may receive per diem and travel expenses in accordance with:

9113 (a) Section 63A-3-106;

9114 (b) Section 63A-3-107; and

9115 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9116 63A-3-107.

9117 Section 173. Section **63M-9-201** is amended to read:

9118 **63M-9-201. Families, Agencies, and Communities Together State Council --**

9119 **Composition -- Duties -- Interagency case management team.**

9120 (1) (a) There is created within state government the Families, Agencies, and
9121 Communities Together State Council composed of:

9122 (i) the state superintendent of public instruction;

9123 (ii) the executive director of the Department of Health;

9124 (iii) the executive director of the Department of Human Services;

9125 (iv) the state court administrator; and

9126 (v) the executive director of the Department of Workforce Services.

9127 (b) The council members listed in Subsection (1)(a) shall appoint to a four-year term
9128 the following nonvoting members:

9129 (i) a representative of community-based service organizations appointed to a four-year
9130 term;

9131 (ii) a parent representative from a rural community; and

9132 (iii) a parent representative from an urban community.

9133 (c) If a vacancy occurs with respect to a council member appointed under Subsection
9134 (1)(b), council members listed in Subsection (1)(a) shall appoint a replacement for the
9135 unexpired term.

9136 (d) Appointments and reappointments under Subsection (1)(b) and (c) shall be made
9137 within 60 days of a vacancy.

9138 (2) (a) The council shall annually elect a chair from its membership.

9139 (b) All voting members of the council are necessary to constitute a quorum at any
9140 meeting.

9141 (c) The action of a majority of a quorum is the action of the council, except that a
9142 unanimous vote of the council is required to appoint or remove a nonvoting council member.

9143 (d) The council shall meet quarterly or more frequently as determined by the chair.
9144 ~~[(3) (a) State government officer and employee members who do not receive salary, per~~
9145 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
9146 ~~incurred in the performance of their official duties from the council at the rates established by~~
9147 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~
9148 ~~[(b) Members who are not government employees may not receive compensation or~~
9149 ~~benefits for their services, but may receive per diem and expenses incurred in the performance~~
9150 ~~of the member's official duties from the council at rates established by the Division of Finance~~
9151 ~~under Sections 63A-3-106 and 63A-3-107.]~~
9152 ~~[(c) Council members may decline to receive per diem and expenses for their service.]~~
9153 (3) A member may not receive compensation or benefits for the member's service, but
9154 may receive per diem and travel expenses in accordance with:
9155 (a) Section 63A-3-106;
9156 (b) Section 63A-3-107; and
9157 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9158 63A-3-107.
9159 (4) The council shall:
9160 (a) provide leadership to increase and enhance efficient and effective services to Utah's
9161 children and youth at risk by:
9162 (i) cooperatively planning, funding, monitoring, evaluating, and marketing innovative
9163 and individualized service delivery and funding strategies;
9164 (ii) recommending legislative, executive, and judicial policy and procedural changes,
9165 including joint budget proposals as described in Section 63J-1-201;
9166 (iii) developing incentives and strategies to increase family involvement, collaboration,
9167 and public-private partnerships in the planning and delivery of services at the state and local
9168 level;
9169 (iv) promoting prevention and early intervention services;
9170 (v) increasing public understanding of and advocating for the needs of Utah's children
9171 and youth who are at risk; and
9172 (vi) establishing policies to remove administrative barriers to collaboration in
9173 communities;

9174 (b) compile and disseminate information regarding effective service delivery and
9175 funding strategies for replication;

9176 (c) receive and act upon recommendations of the steering committee;

9177 (d) approve the establishment of collaborative service delivery systems under Section
9178 63M-9-402 and adopt performance goals for those systems;

9179 (e) recommend to the governor for each fiscal year funds contained in an agency's base
9180 budget and building block request that can be identified for collaborative service delivery
9181 systems established under Section 63M-9-402;

9182 (f) (i) develop model administrative and governance structures to be established by
9183 communities that at least:

9184 (A) ensure accountability for public funds;

9185 (B) are voluntarily adopted and modified by communities, based on community needs;

9186 (C) ensure collaboration on matters of policy and administrative processes in operating
9187 programs under this chapter between the state, school districts, and counties;

9188 (D) establish a board consisting of heads of state and local government agencies,
9189 private agencies, and school districts that provide services under this chapter; and

9190 (E) ensure equity in the scope, duration, and level of services throughout a prescribed
9191 geographical area;

9192 (ii) the council may, through contracts that provide funding for programs under this
9193 chapter, give incentives to communities to establish an administrative and governance structure
9194 that meets the requirements of Subsection (4)(f)(i) and to designate the geographical area
9195 within which that administrative and governance structure will operate;

9196 (g) review the structure and function of the steering committee before December 1,
9197 1999, to determine the effectiveness of the steering committee in:

9198 (i) achieving the purposes and carrying out the responsibilities of the committee; and

9199 (ii) assisting communities to establish collaborative service delivery systems;

9200 (h) forward to the Legislature for the 2000 General Session recommendations for
9201 restructuring the size, membership, and function of the steering committee based on the review
9202 conducted under Subsection (4)(g); and

9203 (i) report to the governor and the Legislature on an annual basis.

9204 (5) The council shall ensure that projects selected under Section 63M-9-401 have

9205 outcomes that:

9206 (a) focus all project activities on the prevention of academic failure and social
9207 misbehaviors;

9208 (b) involve parents in planning, implementation, and evaluation of services;

9209 (c) allow frequent opportunities for planning between teachers, parents, school
9210 administrators, and representatives of agencies and community-based service organizations that
9211 provide services; and

9212 (d) provide frequent monitoring and assessment of each child's and youth's progress.

9213 (6) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
9214 the council shall make rules to ensure cooperative development of individualized and
9215 coordinated service plans by local interagency councils and case management teams for
9216 children or youth at risk and their families who receive services under this chapter.

9217 (b) For purposes of developing and implementing individualized and coordinated
9218 plans, the members of the local interagency councils and case management teams shall be
9219 considered to be employees of each agency represented on the team and entitled to review and
9220 discuss agency records as necessary in planning and providing services under a plan.

9221 (c) Records shared by the teams remain the property of the supplying agency and may
9222 not be incorporated in the records of another agency unless transferred in accordance with
9223 standard procedures for transfer of records of the type in question.

9224 Section 174. Section **63M-9-202** is amended to read:

9225 **63M-9-202. Steering committee -- Membership -- Duties.**

9226 (1) As used in this section, "Council of Mental Health Programs" means a council
9227 consisting of all of the directors of Utah public mental health centers.

9228 (2) There is established a Families, Agencies, and Communities Together Steering
9229 Committee.

9230 (3) The steering committee shall include at least 18 voting members as follows:

9231 (a) the director of the Division of Health Care Financing within the Department of
9232 Health;

9233 (b) a representative annually designated by the Council of Mental Health Programs;

9234 (c) the director of the Division of Substance Abuse and Mental Health within the
9235 Department of Human Services;

- 9236 (d) the director of the Division of Juvenile Justice Services within the Department of
9237 Human Services;
- 9238 (e) the state director of special education;
- 9239 (f) the person responsible for programs for at risk students within the Utah State Office
9240 of Education, if that person is not the state director of special education;
- 9241 (g) the Juvenile Court Administrator;
- 9242 (h) a representative annually designated by substance abuse directors;
- 9243 (i) the director of the Division of Child and Family Services within the Department of
9244 Human Services;
- 9245 (j) the director of family health services programs;
- 9246 (k) a representative annually designated by the Utah School Superintendents
9247 Association;
- 9248 (l) a juvenile court judge designated by the presiding officer of the state Judicial
9249 Council;
- 9250 (m) a representative annually designated by the local health officers;
- 9251 (n) a representative annually designated by the executive director of the Department of
9252 Workforce Services;
- 9253 (o) three at-large members appointed by a majority of the committee to four-year
9254 terms, who represent a statewide perspective on children and youth issues; and
- 9255 (p) parent representatives appointed by members specified in Subsections (3)(a)
9256 through (o).
- 9257 (4) Additional members may be selected by a majority of the committee to serve as
9258 voting members for four-year terms.
- 9259 (5) (a) Except as required by Subsection (5)(b), as terms of current at-large committee
9260 members expire, the committee shall appoint each new member or reappointed member to a
9261 four-year term.
- 9262 (b) Notwithstanding the requirements of Subsection (5)(a), the committee shall, at the
9263 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
9264 at-large committee members are staggered so that approximately half of the at-large committee
9265 members are appointed every two years.
- 9266 (6) When a vacancy occurs in the membership for any reason, the replacement shall be

9267 appointed for the unexpired term.

9268 (7) The members shall annually elect a chair and vice chair.

9269 (8) A majority of committee members are necessary to constitute a quorum and to
9270 transact the business of the committee.

9271 ~~[(9)(a)(i) Members who are not government employees may not receive compensation~~
9272 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
9273 ~~performance of the member's official duties at the rates established by the Division of Finance~~
9274 ~~under Sections 63A-3-106 and 63A-3-107.]~~

9275 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

9276 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
9277 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
9278 ~~incurred in the performance of their official duties from the committee at the rates established~~
9279 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9280 ~~[(ii) State government officer and employee members may decline to receive per diem~~
9281 ~~and expenses for their service.]~~

9282 ~~[(c)(i) Local government members who do not receive salary, per diem, or expenses~~
9283 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
9284 ~~in the performance of their official duties at the rates established by the Division of Finance~~
9285 ~~under Sections 63A-3-106 and 63A-3-107.]~~

9286 ~~[(ii) Local government members may decline to receive per diem and expenses for~~
9287 ~~their service.]~~

9288 (9) A member may not receive compensation or benefits for the member's service, but
9289 may receive per diem and travel expenses in accordance with:

9290 (a) Section 63A-3-106;

9291 (b) Section 63A-3-107; and

9292 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9293 63A-3-107.

9294 (10) The committee shall:

9295 (a) assist the council in fulfilling its duties set out in Section 63M-9-201;

9296 (b) monitor, solicit input for policy changes, and provide technical assistance to local
9297 collaborative programs; and

9298 (c) report any formal recommendations to the council.

9299 Section 175. Section **63M-11-206** is repealed and reenacted to read:

9300 **63M-11-206. Members serve without pay -- Reimbursement for expenses.**

9301 A member may not receive compensation or benefits for the member's service, but may
9302 receive per diem and travel expenses in accordance with:

9303 (1) Section 63A-3-106;

9304 (2) Section 63A-3-107; and

9305 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9306 63A-3-107.

9307 Section 176. Section **65A-1-3** is amended to read:

9308 **65A-1-3. Forestry, Fire, and State Lands Advisory Council -- Membership --**

9309 **Chair -- Terms -- Quorum -- Per diem and expenses -- Duties.**

9310 (1) (a) The Forestry, Fire, and State Lands Advisory Council shall be composed of 12
9311 members as follows:

9312 (i) one representative from Rich County;

9313 (ii) one representative from Utah County;

9314 (iii) four individuals representing the combination of Box Elder, Davis, Salt Lake,
9315 Tooele, and Weber counties, two of whom shall be representatives of industries concerned with
9316 sovereign lands;

9317 (iv) one individual representing the combination of Cache, Emery, Garfield, Grand,
9318 Kane, San Juan, and Uintah counties;

9319 (v) four individuals representing the state at large, one of whom shall be representative
9320 of environmental concerns and one of whom shall be representative of sporting concerns; and

9321 (vi) the director of the division.

9322 (b) The director of the division:

9323 (i) shall serve as chair; and

9324 (ii) may not vote except as may be necessary to break a tie vote.

9325 (2) (a) Except as required by Subsection (2)(b), as terms of current council members
9326 expire, the governor shall appoint each new member or reappointed member to a four-year
9327 term.

9328 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the

9329 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
9330 council members are staggered so that approximately half of the council is appointed every two
9331 years.

9332 (3) Seven members of the council constitute a quorum.

9333 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
9334 appointed for the unexpired term.

9335 (5) Meetings may be called by the chair or by a quorum of the council.

9336 (6) The council shall meet not less than every six months.

9337 ~~[(7)(a)(i) Members who are not government employees shall receive no compensation~~
9338 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
9339 ~~performance of the member's official duties at the rates established by the Division of Finance~~
9340 ~~under Sections 63A-3-106 and 63A-3-107.]~~

9341 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

9342 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
9343 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
9344 ~~incurred in the performance of their official duties from the council at the rates established by~~
9345 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9346 ~~[(ii) State government officer and employee members may decline to receive per diem~~
9347 ~~and expenses for their service.]~~

9348 (7) A member may not receive compensation or benefits for the member's service, but
9349 may receive per diem and travel expenses in accordance with:

9350 (a) Section 63A-3-106;

9351 (b) Section 63A-3-107; and

9352 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9353 63A-3-107.

9354 (8) (a) The council shall consider public comment and concern in formulating advice
9355 and counsel for the division.

9356 (b) Council meetings shall be widely advertised, with affected state agencies and public
9357 and private interests being directly notified of meeting schedules and agendas.

9358 (9) (a) The council may provide written recommendations to the director.

9359 (b) The director shall provide a written explanation of any written council

9360 recommendation the director chooses to disregard.

9361 Section 177. Section **65A-8-306** is amended to read:

9362 **65A-8-306. Heritage trees advisory committee -- Members -- Officers -- Expenses**
9363 **-- Functions.**

9364 (1) There is created a Heritage Trees Advisory Committee composed of five persons
9365 appointed by the division from among persons who are members of the Utah Community
9366 Forestry Council.

9367 (2) (a) Except as required by Subsection (2)(b), as terms of current committee members
9368 expire, the division shall appoint each new member or reappointed member to a four-year term.

9369 (b) Notwithstanding the requirements of Subsection (2)(a), the division shall, at the
9370 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
9371 committee members are staggered so that approximately half of the committee is appointed
9372 every two years.

9373 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
9374 appointed for the unexpired term.

9375 (4) (a) The committee shall elect a chair who is responsible to call and conduct
9376 meetings.

9377 (b) Three members present at a duly called meeting constitute a quorum for the
9378 transaction of official business.

9379 (c) Members of the committee may meet as often as considered necessary.

9380 (d) The urban forestry staff person of the division shall serve as secretary to the
9381 committee.

9382 ~~[(5) (a) Members shall receive no compensation or benefits for their services, but may~~
9383 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
9384 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9385 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

9386 (5) A member may not receive compensation or benefits for the member's service, but
9387 may receive per diem and travel expenses in accordance with:

9388 (a) Section 63A-3-106;

9389 (b) Section 63A-3-107; and

9390 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

9391 63A-3-107.

9392 (6) The committee shall:

9393 (a) publish guidelines for division use in granting or denying applications for the
9394 designation of heritage trees;

9395 (b) publish an annual register of designated heritage trees and distribute it to public
9396 utilities, tree service companies, municipal forestry and parks departments, and the public; and

9397 (c) develop a system for visibly identifying designated heritage trees.

9398 Section 178. Section **67-1-8.1** is amended to read:

9399 **67-1-8.1. Executive Residence Commission -- Recommendations as to restoration**
9400 **of executive residence.**

9401 (1) The Legislature finds and declares that:

9402 (a) the state property known as the Kearns' mansion, the executive residence, is an
9403 irreplaceable historic landmark possessing special and unique architectural qualities that should
9404 be preserved; and

9405 (b) the deterioration that has taken place will continue unless remedial restoration
9406 measures are undertaken.

9407 (2) (a) An Executive Residence Commission is established to make recommendations
9408 to the Legislature for the budgeting of renovation, upkeep, historical maintenance, and
9409 restoration of the executive residence.

9410 (b) The commission shall consist of three private citizens appointed by the governor,
9411 all of whom have demonstrated an interest in historical preservation.

9412 (c) The commission shall also consist of one assigned representative from the Board of
9413 the Utah Arts Council, one from the Board of State History, one from the building board, an
9414 interior designer selected by the Utah chapter of ASID, and an architect selected by the Utah
9415 chapter of the AIA.

9416 (3) (a) Except as required by Subsection (3)(b), as terms of current commission
9417 members expire, the governor shall appoint each new member or reappointed member to a
9418 four-year term ending on March 1.

9419 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
9420 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
9421 commission members are staggered so that approximately half of the commission is appointed

9422 every two years.

9423 (4) (a) The governor shall appoint a chair from among the membership of the
9424 commission.

9425 (b) Five members of the commission shall constitute a quorum, and either the chair or
9426 two other members of the commission may call meetings of the commission.

9427 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
9428 appointed for the unexpired term.

9429 ~~[(6) (a) (i) Members who are not government employees shall receive no compensation~~
9430 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
9431 ~~performance of the member's official duties at the rates established by the Division of Finance~~
9432 ~~under Sections 63A-3-106 and 63A-3-107.]~~

9433 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

9434 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~
9435 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
9436 ~~incurred in the performance of their official duties from the commission at the rates established~~
9437 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9438 ~~[(ii) State government officer and employee members may decline to receive per diem~~
9439 ~~and expenses for their service.]~~

9440 (6) A member may not receive compensation or benefits for the member's service, but
9441 may receive per diem and travel expenses in accordance with:

9442 (a) Section 63A-3-106;

9443 (b) Section 63A-3-107; and

9444 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9445 63A-3-107.

9446 Section 179. Section **67-1a-10** is amended to read:

9447 **67-1a-10. Commission on Civic and Character Education -- Membership -- Chair**
9448 **-- Expenses.**

9449 (1) There is created within the lieutenant governor's office the Commission on Civic
9450 and Character Education.

9451 (2) The commission consists of seven members appointed as follows:

9452 (a) the lieutenant governor, as chief election officer of the state, or a designee;

9453 (b) one member of the House of Representatives, appointed by the speaker of the
9454 House;
9455 (c) one member of the Senate, appointed by the president of the Senate;
9456 (d) one member of the State Board of Education, appointed by the chair;
9457 (e) one member of the State Board of Regents, appointed by the chair;
9458 (f) one member of the public with expertise in the area of civic and character education
9459 appointed by the other members of the commission to serve for a two year term; and
9460 (g) one justice of the Supreme Court or one appellate court judge appointed by the
9461 Supreme Court.

9462 (3) (a) The lieutenant governor shall serve as chairperson or if the lieutenant governor
9463 is unable to serve, the commission shall annually elect a chairperson from its membership.

9464 (b) The commission shall hold meetings as needed to carry out its duties. A meeting
9465 may be held on the call of the chair or a majority of the commission members.

9466 (c) Three commission members are necessary to constitute a quorum at any meeting
9467 and, if a quorum exists, the action of a majority of members present shall be the action of the
9468 commission.

9469 (4) (a) An appointed commission member shall be appointed for a two-year term or
9470 until their successors are appointed.

9471 (b) When a vacancy occurs in the appointed membership for any reason, the
9472 replacement shall be appointed for the unexpired term.

9473 ~~[(5) (a) Commission members who are not government employees may not receive~~
9474 ~~compensation or benefits for the services, but may receive per diem and expenses incurred in~~
9475 ~~the performance of their official duties at rates established by the Division of Finance under~~
9476 ~~Sections 63A-3-106 and 63A-3-107.]~~

9477 ~~[(b) A commission member may decline to receive per diem and expenses for service~~
9478 ~~to the commission.]~~

9479 (5) A member may not receive compensation or benefits for the member's service, but
9480 may receive per diem and travel expenses in accordance with:

9481 (a) Section 63A-3-106;

9482 (b) Section 63A-3-107; and

9483 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

9484 63A-3-107.

9485 (6) The duties of the lieutenant governor's office shall include leadership of the
9486 commission.

9487 (7) The funding of the commission shall be a separate line item to the lieutenant
9488 governor's office in the annual appropriations act.

9489 Section 180. Section **67-5a-3** is repealed and reenacted to read:

9490 **67-5a-3. Per diem and travel expenses.**

9491 A member may not receive compensation or benefits for the member's service, but may
9492 receive per diem and travel expenses in accordance with:

9493 (1) Section 63A-3-106;

9494 (2) Section 63A-3-107; and

9495 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9496 63A-3-107.

9497 Section 181. Section **67-5a-8** is amended to read:

9498 **67-5a-8. Administration.**

9499 (1) (a) The administration costs of this chapter, including council staff compensation,
9500 shall be funded from appropriations made by the Legislature to the Office of the Attorney
9501 General for the support of the council from the Public Safety Support Account established in
9502 Section 51-9-404.

9503 (b) Funds available from other sources may also be appropriated by the Legislature to
9504 the Office of the Attorney General for the administration of this chapter.

9505 (2) In exercising its duties, the council shall minimize costs of administration and
9506 utilize existing training facilities and resources where possible so the greatest portion of the
9507 funds available are expended for training prosecuting attorneys.

9508 ~~[(3) The council may reimburse council staff for travel and per diem expenses from the~~
9509 ~~appropriations made from the Public Safety Support Account to the Office of the Attorney~~
9510 ~~General for the support of the council, in an amount not to exceed the amounts approved by the~~
9511 ~~director of the Division of Finance.]~~

9512 (3) Common staff may receive per diem and travel expenses in accordance with:

9513 (a) Section 63A-3-106;

9514 (b) Section 63A-3-107; and

9515 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9516 63A-3-107.

9517 Section 182. Section **67-8-4** is amended to read:

9518 **67-8-4. State Elected Official and Judicial Compensation Commission created --**
9519 **Composition -- Appointment -- Terms -- Organization -- Vacancies -- Quorum --**
9520 **Compensation -- Secretary.**

9521 (1) There is created a state Elected Official and Judicial Compensation Commission
9522 comprised of six members, not more than three of whom may be from the same political party,
9523 appointed as follows:

9524 (a) one member appointed by the governor;

9525 (b) one member appointed by the president of the Senate;

9526 (c) one member appointed by the speaker of the House of Representatives;

9527 (d) two members appointed by the other three appointed members; and

9528 (e) one member appointed by the State Bar Commission.

9529 (2) (a) Except as required by Subsection (2)(b), all persons appointed to the
9530 commission shall serve four-year terms or until their successors are duly appointed and
9531 qualified.

9532 (b) Notwithstanding the requirements of Subsection (2)(a), the appointing authority
9533 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the
9534 terms of commission members are staggered so that approximately half of the commission is
9535 appointed every two years.

9536 (3) (a) The commission shall select a chair and a vice chair from opposite political
9537 parties at its first meeting.

9538 (b) Four members of the commission shall constitute a quorum.

9539 (c) The commission shall take no action nor make any determination without the
9540 concurrence of a majority of its members being present.

9541 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
9542 appointed for the unexpired term.

9543 (5) No member or employee of the legislative, judicial, or executive branch of
9544 government is eligible for appointment to the commission. The legislative fiscal analyst shall
9545 serve as an ex officio, nonvoting secretary of the commission.

9546 ~~[(6) (a) Members shall receive no compensation or benefits for their services, but may~~
9547 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
9548 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9549 ~~[(b) Legislators on the committee shall receive compensation and expenses as provided~~
9550 ~~by law and legislative rule.]~~

9551 (6) A member may not receive compensation or benefits for the member's service, but
9552 may receive per diem and travel expenses in accordance with:

9553 (a) Section 63A-3-106;

9554 (b) Section 63A-3-107; and

9555 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9556 63A-3-107.

9557 Section 183. Section **67-19a-201** is amended to read:

9558 **67-19a-201. Career Service Review Board created -- Members -- Appointment --**
9559 **Removal -- Terms -- Organization -- Per diem and expenses.**

9560 (1) There is created a Career Service Review Board.

9561 (2) (a) The governor shall appoint five members to the board no more than three of
9562 which are members of the same political party.

9563 (b) The governor shall appoint members whose gender and ethnicity represent the
9564 career service work force.

9565 (3) (a) The governor may remove any board member for cause.

9566 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
9567 appointed for the unexpired term.

9568 (4) The governor shall ensure that appointees to the board:

9569 (a) are qualified by knowledge of employee relations and merit system principles in
9570 public employment; and

9571 (b) are not:

9572 (i) members of any local, state, or national committee of a political party;

9573 (ii) officers or members of a committee in any partisan political club; and

9574 (iii) holding or a candidate for a paid public office.

9575 (5) (a) Except as required by Subsection (5)(b), the governor shall appoint board
9576 members to serve four-year terms beginning January 1.

9577 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
 9578 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
 9579 board members are staggered so that approximately half of the board is appointed every two
 9580 years.

9581 (c) The members of the board shall serve until their successors are appointed and
 9582 qualified.

9583 (6) Each year, the board shall choose a chair and vice chair from its own members.

9584 (7) (a) Three members of the board are a quorum for the transaction of business.

9585 (b) Action by a majority of members when a quorum is present is action of the board.

9586 ~~[(8)(a) Members shall receive no compensation or benefits for their services, but may~~
 9587 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
 9588 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9589 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

9590 (8) A member may not receive compensation or benefits for the member's service, but
 9591 may receive per diem and travel expenses in accordance with:

9592 (a) Section 63A-3-106;

9593 (b) Section 63A-3-107; and

9594 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
 9595 63A-3-107.

9596 Section 184. Section **67-19d-202** is amended to read:

9597 **67-19d-202. Board of trustees of the State Post-Retirement Benefits Trust Fund.**

9598 (1) (a) There is created a board of trustees of the State Post-Retirement Benefits Trust
 9599 Fund composed of three members:

9600 (i) the state treasurer;

9601 (ii) the director of the Division of Finance; and

9602 (iii) the director of the Governor's Office of Planning and Budget.

9603 (b) The state treasurer is chair of the board.

9604 (c) Three members of the board are a quorum.

9605 ~~[(d) (i) State government officer and employee members who do not receive salary, per~~
 9606 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
 9607 ~~incurred in the performance of their official duties from the board at the rates established by the~~

9608 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9609 ~~[(ii) State government officer and employee members may decline to receive per diem~~
9610 ~~and expenses for their service.]~~

9611 (d) A member may not receive compensation or benefits for the member's service, but
9612 may receive per diem and travel expenses in accordance with:

9613 (i) Section 63A-3-106;

9614 (ii) Section 63A-3-107; and

9615 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9616 63A-3-107.

9617 (e) (i) Except as provided in Subsection (1)(e)(ii), the state treasurer shall staff the
9618 board of trustees.

9619 (ii) The Division of Finance shall provide accounting services for the trust fund.

9620 (2) The board shall:

9621 (a) on behalf of the state, act as trustee of the trust fund and exercise the state's
9622 fiduciary responsibilities;

9623 (b) meet at least twice per year;

9624 (c) review and approve all policies, projections, rules, criteria, procedures, forms,
9625 standards, performance goals, and actuarial reports;

9626 (d) review and approve the trust fund budget;

9627 (e) review financial records of the trust fund, including trust fund receipts,
9628 expenditures, and investments;

9629 (f) commission and obtain actuarial studies of the trust fund liabilities;

9630 (g) establish labor additive rates to charge all federal, state, and other programs to
9631 cover:

9632 (i) the annual required contribution as determined by actuary; and

9633 (ii) the administrative expenses of the trust fund; and

9634 (h) do any other things necessary to perform the state of Utah's fiduciary obligations
9635 under the trust fund.

9636 (3) The attorney general shall:

9637 (a) act as legal counsel and provide legal representation to the board of trustees; and

9638 (b) attend, or direct an attorney from the Office of the Attorney General to attend, each

9639 meeting of the board of trustees.

9640 Section 185. Section **68-4-5** is amended to read:

9641 **68-4-5. Creation -- Members -- Terms -- General counsel -- Vacancies -- Per diem**
9642 **and expenses.**

9643 (1) The "Utah Commission on Uniform State Laws" consists of the following members
9644 of the Utah Bar in good standing:

9645 (a) (i) Two members shall serve in the Legislature at the time of the appointment and
9646 during the legislator's service on the commission. The governor shall appoint one member
9647 from the Senate and one member from the House of Representatives. The service of the
9648 legislative members of the commission shall be a four-year term as provided in Subsection
9649 (1)(a)(iii), or when the term of office as a legislator ends, whichever occurs first.

9650 (ii) Two members of the Utah Bar shall be appointed by the governor.

9651 (iii) Except as required by Subsection (1)(a)(iv), as terms of current commission
9652 members expire, the governor shall appoint each new member or reappointed member to a
9653 four-year term with the consent of the Senate.

9654 (iv) Notwithstanding the requirements of Subsection (1)(a)(ii), the governor shall, at
9655 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
9656 commission members are staggered so that approximately half of the commission is appointed
9657 every two years.

9658 (v) Each commissioner shall serve until his successor is appointed.

9659 (b) In addition to the members appointed under Subsection (1)(a), the Legislature's
9660 general counsel shall serve as a commissioner during the appointment as general counsel. The
9661 Legislature's general counsel may appoint a designee from the Office of Legislative Research
9662 and General Counsel to serve in the place of the Legislature's general counsel. The designee
9663 shall serve at the will of the Legislature's general counsel.

9664 (c) Any commissioner who has been elected as a life member of the National
9665 Conference of Commissioners on Uniform State Laws because of long service as a
9666 commissioner with the National Conference shall continue as a commissioner as provided in
9667 Subsection 68-4-6(3).

9668 (2) When a vacancy occurs in the membership as outlined in Section 68-4-6, the
9669 replacement shall be appointed for the unexpired term.

~~[(3) (a) (i) A member who is not a government employee may not receive compensation or benefits for the member's service, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) A member may decline to receive per diem and expenses for the member's service.]~~

~~[(b) (i) A state government officer and employee member who does not receive salary, per diem, or expenses from the agency the member represents for the member's service, may receive per diem and expenses incurred in the performance of the member's official duties for the commission at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) A state government officer and employee member may decline to receive per diem and expenses for the member's service.]~~

~~[(c) A legislative member shall receive compensation and expenses as provided by law and legislative rule.]~~

(3) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 186. Section **68-4-9** is amended to read:

68-4-9. Expenditures -- Oversight by Office of Legislative Research and General Counsel.

~~[(1) No member of the commission may receive any compensation for that member's services. However, each member shall receive a per diem and shall be paid the actual traveling and other necessary expenses incurred in the discharge of the commissioner's official duties.]~~

(1) A member of the commission may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

9701 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9702 63A-3-107.

9703 (2) The Legislature shall make appropriations to the Office of Legislative Research and
9704 General Counsel to pay the necessary expenses of the commissioners and to make appropriate
9705 contribution on behalf of this state to the National Conference of Commissioners on Uniform
9706 State Laws, including any expenses of a commissioner who has been elected as a life member
9707 of the National Conference of Commissioners on Uniform State Laws.

9708 (3) The commissioners shall keep a full account of their expenditures in the discharge
9709 of their official duties and shall report the account to the Office of Legislative Research and
9710 General Counsel.

9711 Section 187. Section **71-7-4** is amended to read:

9712 **71-7-4. Veterans' Memorial Park Board -- Members -- Appointment -- Meetings**
9713 **-- Per diem.**

9714 (1) There is created a Veterans' Memorial Park Board to serve as an advisory body to
9715 the Department of Veterans' Affairs on matters relating to the establishment and operation of a
9716 veterans' cemetery and memorial park.

9717 (2) The board shall consist of the following five members:

9718 (a) one representative recommended by the state commander of the Veterans of
9719 Foreign Wars;

9720 (b) one representative recommended by the state commander of the American Legion;

9721 (c) one representative recommended by the state commander of the Disabled American
9722 Veterans;

9723 (d) the director of the Department of Veterans' Affairs; and

9724 (e) one person not affiliated with any of the organizations referred to in this Subsection
9725 (2).

9726 (3) (a) Except as required by Subsection (3)(b), the governor shall appoint members in
9727 Subsections (2)(a), (b), (c), and (e) above for four-year terms. The governor shall make final
9728 appointments to the board by June 30 of any year in which appointments are to be made under
9729 this chapter.

9730 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
9731 time of appointment or reappointment, adjust the length of terms to ensure that the terms of

9732 board members are staggered so that approximately half of the board is appointed every two
9733 years.

9734 (c) All members shall serve until their successors are appointed.

9735 (d) Members may not serve more than two consecutive terms.

9736 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
9737 appointed for the unexpired term in the same manner as the original appointment.

9738 (5) (a) The board shall select a chair annually from among its members at its first
9739 meeting after July 1.

9740 (b) Three members of the board constitute a quorum to transact business.

9741 (c) The board shall meet at least quarterly on a regular date fixed by the board.

9742 (d) The chair or three members of the board may call additional meetings.

9743 (6) The board shall provide copies of all minutes and an annual report of its activities
9744 by June 30 of each year to the Veterans' Advisory Council created in Section 71-8-4.

9745 ~~[(7) (a) (i) Members who are not government employees shall receive no compensation~~
9746 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
9747 ~~performance of the member's official duties at the rates established by the Division of Finance~~
9748 ~~under Sections 63A-3-106 and 63A-3-107.]~~

9749 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

9750 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~
9751 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
9752 ~~incurred in the performance of their official duties from the board at the rates established by the~~
9753 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9754 ~~[(ii) State government officer and employee members may decline to receive per diem~~
9755 ~~and expenses for their service.]~~

9756 (7) A member may not receive compensation or benefits for the member's service, but
9757 may receive per diem and travel expenses in accordance with:

9758 (a) Section 63A-3-106;

9759 (b) Section 63A-3-107; and

9760 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9761 63A-3-107.

9762 Section 188. Section **71-8-4** is amended to read:

71-8-4. Veterans' Advisory Council -- Membership -- Duties and responsibilities
-- Per diem and expenses.

(1) There is created a Veterans' Advisory Council whose purpose is to advise the executive director of the Department of Veterans' Affairs on issues relating to veterans.

(2) The council shall consist of eleven voting members and one nonvoting member, designated as follows:

(a) five members appointed by the governor to serve four-year terms:

(i) four veterans at large; and

(ii) a representative from the Office of the Governor;

(b) the director of the VA Health Care System or his designee;

(c) the director of the VA Benefits Administration Regional Office in Salt Lake City, or his designee;

(d) a representative from the Veterans' Memorial Park Board for the duration of his appointment to the board;

(e) the commanders or their designees of the three largest veterans service organizations in the state. Their terms shall last as long as they hold the required office; and

(f) the executive director shall be a nonvoting member of the council.

(3) (a) Except as required by Subsection (3)(b), as terms of current council members expire, the governor shall appoint each new or reappointed member to a four-year term commencing on July 1.

(b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the members appointed by the governor are appointed every two years.

(4) When a vacancy occurs in the membership for any reason, the governor shall appoint a replacement for the unexpired term within 60 days of receiving notice.

(5) Members appointed by the governor may not serve more than two consecutive terms.

(6) (a) Any veterans' group or veteran may provide the executive director with a list of recommendations for members on the council.

(b) The executive director shall provide the governor with the list of recommendations

9794 for members to be appointed to the council.

9795 (c) The governor shall make final appointments to the council by June 30 of any year in
9796 which appointments are to be made under this chapter.

9797 (7) The council shall elect a chair from among its members every two years. The chair
9798 shall be a veteran.

9799 (8) (a) The council shall meet at least once every quarter.

9800 (b) The executive director of the Department of Veterans' Affairs may convene
9801 additional meetings, as necessary.

9802 (9) The department shall provide staff to the council.

9803 (10) Six voting members are a quorum for the transaction of business.

9804 (11) The council shall:

9805 (a) solicit input concerning veterans issues from veterans' groups throughout the state;

9806 (b) report issues received to the executive director of the Department of Veterans'
9807 Affairs and make recommendations concerning them;

9808 (c) keep abreast of federal developments that affect veterans locally and advise the
9809 executive director of them; and

9810 (d) approve, by a majority vote, the use of monies generated from veterans' license
9811 plates under Section 41-1a-422 for veterans' programs.

9812 ~~[(12) (a) Members shall receive no compensation or benefits for their services, but may~~
9813 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
9814 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9815 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

9816 (12) A member may not receive compensation or benefits for the member's service, but
9817 may receive per diem and travel expenses in accordance with:

9818 (a) Section 63A-3-106;

9819 (b) Section 63A-3-107; and

9820 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9821 63A-3-107.

9822 Section 189. Section **71-11-7** is amended to read:

9823 **71-11-7. Veterans' Nursing Home Advisory Boards.**

9824 (1) (a) Each home shall have a Veterans' Nursing Home Advisory Board to act as a

9825 liaison between the residents, members of the public, and the administration of the home.

9826 (b) The board shall interview candidates for the position of nursing home administrator
9827 and make a recommendation to the department.

9828 (2) Each board shall consist of the following seven members:

9829 (a) one resident of the home appointed by the governor;

9830 (b) two members of the Veterans' Advisory Council, designated by the governor, one
9831 of which shall specifically be designated as the board's representative to the council;

9832 (c) one veteran from the area in which the home is located appointed by the governor;

9833 (d) one representative from the VA Health Care System, appointed by its director;

9834 (e) one representative from the Department of Health, appointed by its executive
9835 director; and

9836 (f) one representative from the United States Department of Veterans Affairs regional
9837 office.

9838 (3) (a) (i) Members shall serve for four-year terms.

9839 (ii) Except as required by Subsection (3)(b), as terms of current board members expire,
9840 the governor shall appoint each new or reappointed member to a four-year term beginning on
9841 July 1.

9842 (b) The governor shall, at the time of appointment or reappointment, adjust the length
9843 of terms to ensure that the terms of board members are staggered so that approximately half of
9844 the board is appointed every two years.

9845 (c) The governor shall make final appointments to the board by June 30 of any year in
9846 which appointments are to be made under this chapter.

9847 (4) Vacancies shall be filled by the governor within 60 days of receiving notice of a
9848 vacancy, but only for the unexpired term of the vacated member.

9849 (5) (a) Except as provided in Subsection (5)(b), members may not serve more than two
9850 consecutive terms.

9851 (b) Members appointed by the VA Health Care System and the United States
9852 Department of Veterans Affairs are exempt from the term limit requirement.

9853 (6) Each board shall elect a chair annually from among its members at its first meeting
9854 after July 1.

9855 (7) Each board shall meet at least quarterly.

(8) Four members of the board constitute a quorum for the transaction of business.

(9) Each board shall provide copies of all minutes and an annual report of its activities by June 30 of each year to the executive director of the Department of Veterans' Affairs, and the Veterans' Advisory Council.

~~[(10)(a)(i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

~~[(b) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

(10) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 190. Section **72-1-301** is amended to read:

72-1-301. Transportation Commission created -- Members, appointment, terms -- Qualifications -- Pay and expenses -- Chair -- Quorum -- Surety bond.

(1) (a) There is created the Transportation Commission which shall consist of seven members.

(b) The members of the commission shall be residents of Utah.

(c) The members of the commission shall be selected on a nonpartisan basis.

(d) (i) The commissioners shall be appointed by the governor, with the consent of the Senate, for a term of six years, beginning on April 1 of odd-numbered years, except as provided under Subsection (1)(d)(ii).

(ii) The first two additional commissioners serving on the seven member commission shall be appointed for terms of two years nine months and four years nine months, respectively,

9887 initially commencing on July 1, 1996, and subsequently commencing as specified under
9888 Subsection (1)(d)(i).

9889 (e) The commissioners serve on a part-time basis.

9890 (f) Each commissioner shall remain in office until a successor is appointed and
9891 qualified.

9892 (2) (a) Except as provided in Subsection (2)(b), the selection of the commissioners
9893 shall be as follows:

9894 (i) one commissioner from Box Elder, Cache, or Rich county;

9895 (ii) one commissioner from Salt Lake or Tooele county;

9896 (iii) one commissioner from Carbon, Emery, Grand, or San Juan county;

9897 (iv) one commissioner from Beaver, Garfield, Iron, Kane, Millard, Piute, Sanpete,
9898 Sevier, Washington, or Wayne county;

9899 (v) one commissioner from Weber, Davis, or Morgan county;

9900 (vi) one commissioner from Juab, Utah, Wasatch, Duchesne, Summit, Uintah, or
9901 Daggett county; and

9902 (vii) one commissioner selected from the state at large.

9903 (b) Beginning with the appointment of commissioners on or after July 1, 2009 and
9904 subject to the restriction in Subsection (2)(d), the selection of commissioners shall be as
9905 follows:

9906 (i) four commissioners with one commissioner selected from each of the four regions
9907 established by the department; and

9908 (ii) subject to the restriction in Subsection (2)(c), three commissioners selected from
9909 the state at large.

9910 (c) (i) At least one of the three commissioners appointed under Subsection (2)(b)(ii)
9911 shall be selected from a rural county.

9912 (ii) For purposes of this Subsection (2)(c), a rural county includes a county of the third,
9913 fourth, fifth, or sixth class.

9914 (d) No more than two commissioners appointed under Subsection (2)(b) may be
9915 selected from any one of the four regions established by the department.

9916 ~~[(3)(a) Members appointed before May 2, 1996, shall continue to receive the~~
9917 ~~compensation, per diem, expenses, and benefits they were receiving as of January 1, 1996.]~~

~~[(b) Members appointed after May 2, 1996, shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(c) Members may decline to receive compensation, benefits, per diem, and expenses for their service.]~~

(3) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(4) (a) One member of the commission shall be designated by the governor as chair.

(b) The commission shall select one member as vice chair to act in the chair's absence.

(5) Any four commissioners constitute a quorum.

(6) (a) Each member of the commission shall qualify by:

(i) taking the constitutional oath of office; and

(ii) giving a surety bond.

(b) The Division of Finance of the Department of Administrative Services shall determine the form and amount of the bond, and the state shall pay the bond premium.

Section 191. Section **72-4-302** is amended to read:

72-4-302. Utah State Scenic Byway Committee -- Creation -- Membership -- Meetings -- Expenses.

(1) There is created the Utah State Scenic Byway Committee.

(2) (a) The committee shall consist of the following 15 members:

(i) a representative from each of the following entities appointed by the governor:

(A) the Governor's Office of Economic Development;

(B) the Utah Department of Transportation;

(C) the Department of Community and Culture;

(D) the Division of State Parks and Recreation;

(E) the Federal Highway Administration;

9949 (F) the National Park Service;
9950 (G) the National Forest Service; and
9951 (H) the Bureau of Land Management;
9952 (ii) one local government tourism representative appointed by the governor;
9953 (iii) a representative from the private business sector appointed by the governor;
9954 (iv) three local elected officials from a county, city, or town within the state appointed
9955 by the governor;
9956 (v) a member from the House of Representatives appointed by the speaker of the
9957 House of Representatives; and
9958 (vi) a member from the Senate appointed by the president of the Senate.
9959 (b) Except as provided in Subsection (2)(c), the members appointed in this Subsection
9960 (2) shall be appointed for a four-year term of office.
9961 (c) The governor shall, at the time of appointment or reappointment for appointments
9962 made under Subsection (2)(a)(i), (ii), (iii), or (iv) adjust the length of terms to ensure that the
9963 terms of committee members are staggered so that approximately half of the committee is
9964 appointed every two years.
9965 (d) (i) The appointments made under Subsection (2)(a)(v) and (2)(a)(vi) by the speaker
9966 of the House and the president of the Senate may not be from the same political party.
9967 (ii) The speaker of the House and the president of the Senate shall alternate the
9968 appointments made under Subsections (2)(a)(v) and (2)(a)(vi) as follows:
9969 (A) if the speaker appoints a member under Subsection (2)(a)(v), the next appointment
9970 made by the speaker following the expiration of the existing member's four-year term of office
9971 shall be from a different political party; and
9972 (B) if the president appoints a member under Subsection (2)(a)(vi), the next
9973 appointment made by the president following the expiration of the existing member's four-year
9974 term of office shall be from a different political party.
9975 (3) (a) The representative from the Governor's Office of Economic Development shall
9976 chair the committee.
9977 (b) The members appointed under Subsections (2)(a)(i)(E) through (H) serve as
9978 nonvoting, ex officio members of the committee.
9979 (4) The Governor's Office of Economic Development and the department shall provide

9980 staff support to the committee.

9981 (5) (a) The chair may call a meeting of the committee only with the concurrence of the
9982 department.

9983 (b) A majority of the voting members of the committee constitute a quorum.

9984 (c) Action by a majority vote of a quorum of the committee constitutes action by the
9985 committee.

9986 ~~[(6) (a) (i) Members who are not state government employees shall receive no~~
9987 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
9988 ~~the performance of the member's official duties at the rates established by the Division of~~
9989 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

9990 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

9991 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~
9992 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
9993 ~~incurred in the performance of their official duties at the rates established by the Division of~~
9994 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

9995 ~~[(ii) State government officer and employee members may decline to receive per diem~~
9996 ~~and expenses for their service.]~~

9997 ~~[(c) (i) Local government members who do not receive salary, per diem, or expenses~~
9998 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
9999 ~~in the performance of their official duties at the rates established by the Division of Finance~~
10000 ~~under Sections 63A-3-106 and 63A-3-107.]~~

10001 ~~[(ii) Local government members may decline to receive per diem and expenses for~~
10002 ~~their service.]~~

10003 ~~[(d) Legislators on the committee receive compensation and expenses as provided by~~
10004 ~~law and legislative rule.]~~

10005 (6) A member may not receive compensation or benefits for the member's service, but
10006 may receive per diem and travel expenses in accordance with:

10007 (a) Section 63A-3-106;

10008 (b) Section 63A-3-107; and

10009 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10010 63A-3-107.

10011 Section 192. Section **72-6-115** is amended to read:

10012 **72-6-115. Traffic Management Committee -- Appointment -- Duties.**

10013 (1) As used in this section, "committee" means the Traffic Management Committee
10014 created in this section.

10015 (2) (a) There is created within the Department of Transportation the Traffic
10016 Management Committee comprising up to 13 members knowledgeable about traffic
10017 engineering, traffic flow, air quality, or intelligent transportation systems as follows:

- 10018 (i) two members designated by the executive director of the department;
- 10019 (ii) one member designated by the Utah Association of Counties;
- 10020 (iii) one member designated by the Department of Environmental Quality;
- 10021 (iv) one member designated by the Wasatch Front Regional Council;
- 10022 (v) one member designated by the Mountainland Association of Governments;
- 10023 (vi) one member designated by the Commissioner of Public Safety; and
- 10024 (vii) one member designated by the Utah League of Cities and Towns;
- 10025 (viii) one member designated by the general manager of a public transit district with
10026 more than 200,000 people residing within the public transit district boundaries;
- 10027 (ix) up to four additional members designated by the committee for one-year terms;

10028 and

10029 (x) a designating entity under Subsections (2)(a)(i) through (viii) may designate an
10030 alternative member to serve in the absence of its designated member.

10031 (b) The committee shall:

10032 (i) advise the department on matters related to the implementation and administration
10033 of this section;

10034 (ii) make recommendations to law enforcement agencies related to traffic flow and
10035 incident management during heavy traffic periods;

10036 (iii) make recommendations to the department, counties, and municipalities on
10037 increasing the safety and efficiency of highways using current traffic management systems,
10038 including traffic signal coordination, traffic monitoring, freeway ramp metering, variable
10039 message signing, and incident management; and

10040 (iv) evaluate the cost effectiveness of implementing a specific traffic management
10041 system on a highway considering:

- 10042 (A) existing traffic volume in the area;
- 10043 (B) the necessity and potential of reducing vehicle emissions in the area;
- 10044 (C) the feasibility of the traffic management system on the highway; and
- 10045 (D) whether traffic congestion will be reduced by the system.
- 10046 (c) The committee shall annually elect a chair and a vice chair from its members.
- 10047 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
- 10048 appointed.
- 10049 (e) The committee shall meet as it determines necessary to accomplish its duties.
- 10050 (f) Reasonable notice shall be given to each member of the committee prior to any
- 10051 meeting.
- 10052 (g) A majority of the committee constitutes a quorum for the transaction of business.
- 10053 ~~[(h) (i) (A) Members who are not government employees shall receive no~~
- 10054 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
- 10055 ~~the performance of the member's official duties at the rates established by the Division of~~
- 10056 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~
- 10057 ~~[(B) Members may decline to receive per diem and expenses for their service.]~~
- 10058 ~~[(ii) (A) State government officer and employee members who do not receive salary,~~
- 10059 ~~per diem, or expenses from their agency for their service may receive per diem and expenses~~
- 10060 ~~incurred in the performance of their official duties from the committee at the rates established~~
- 10061 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~
- 10062 ~~[(B) State government officer and employee members may decline to receive per diem~~
- 10063 ~~and expenses for their service.]~~
- 10064 ~~[(iii) (A) Local government members who do not receive salary, per diem, or expenses~~
- 10065 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
- 10066 ~~in the performance of their official duties at the rates established by the Division of Finance~~
- 10067 ~~under Sections 63A-3-106 and 63A-3-107.]~~
- 10068 ~~[(B) Local government members may decline to receive per diem and expenses for~~
- 10069 ~~their service.]~~
- 10070 (h) A member may not receive compensation or benefits for the member's service, but
- 10071 may receive per diem and travel expenses in accordance with:
- 10072 (i) Section 63A-3-106;

10073 (ii) Section 63A-3-107; and

10074 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

10075 63A-3-107.

10076 (3) (a) The Department of Transportation shall implement and administer traffic
10077 management systems to facilitate the efficient flow of motor vehicle traffic on state highways
10078 to improve regional mobility, and to reduce motor vehicle emissions where those
10079 improvements are cost effective, as determined by the committee in accordance with criteria
10080 under Subsection (2)(b).

10081 (b) A traffic management system shall be designed to allow safe, efficient, and
10082 effective:

10083 (i) integration of existing traffic management systems;

10084 (ii) additions of highways and intersections under county and city administrative
10085 jurisdiction;

10086 (iii) incorporation of other traffic management systems; and

10087 (iv) adaptation to future traffic needs.

10088 (4) (a) The cost of implementing and administering a traffic management system shall
10089 be shared pro rata by the department and the counties and municipalities using it.

10090 (b) The department shall enter into an agreement or contract under Title 11, Chapter
10091 13, Interlocal Cooperation Act, with a county or municipality to share costs incurred under this
10092 section.

10093 (5) Additional highways and intersections under the administrative jurisdiction of a
10094 county or municipality may be added to a traffic management system upon application of the
10095 county or municipality after:

10096 (a) a recommendation of the committee;

10097 (b) approval by the department;

10098 (c) determination of the appropriate cost share of the addition under Subsection (4)(a);

10099 and

10100 (d) an agreement under Subsection (4)(b).

10101 (6) The committee may establish technical advisory committees as needed to assist in
10102 accomplishing its duties under this section.

10103 Section 193. Section **72-9-201** is amended to read:

72-9-201. Motor Carrier Advisory Board created -- Appointment -- Terms -- Meetings -- Per diem and expenses -- Duties.

(1) There is created within the department the Motor Carrier Advisory Board consisting of five members appointed by the governor.

(2) Each member of the board shall:

(a) represent experience and expertise in the areas of motor carrier transportation, commerce, agriculture, economics, shipping, or highway safety;

(b) be selected at large on a nonpartisan basis; and

(c) have been a legal resident of the state for at least one year immediately preceding the date of appointment.

(3) (a) Except as required by Subsection (3)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) The governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(c) A member shall serve from the date of appointment until a replacement is appointed.

(4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term beginning the day following the expiration of the preceding term.

(5) The board shall elect its own chair and vice chair at the first regular meeting of each calendar year.

(6) The board shall meet at least quarterly or as needed when called by the chair.

(7) Any three voting members constitute a quorum for the transaction of business that comes before the board.

~~[(8) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(b) Members may decline to receive per diem and expenses for their service.]~~

(8) A member may not receive compensation or benefits for the member's service, but

10135 may receive per diem and travel expenses in accordance with:

10136 (a) Section 63A-3-106;

10137 (b) Section 63A-3-107; and

10138 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

10139 63A-3-107.

10140 (9) The board shall advise the department and the commission on interpretation,
10141 adoption, and implementation of this chapter and other motor carrier related issues.

10142 (10) The department shall provide staff support to the board.

10143 Section 194. Section **72-11-204** is amended to read:

10144 **72-11-204. Vacancies -- Expenses -- Reimbursement -- Use of facilities of**

10145 **Department of Transportation -- Functions, powers, duties, rights, and responsibilities.**

10146 (1) When a vacancy occurs in the membership for any reason, the replacement shall be
10147 appointed for the unexpired term.

10148 ~~[(2)(a)(i) Members who are not government employees may not receive any~~
10149 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
10150 ~~the performance of the member's official duties at the rates established by the Division of~~
10151 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

10152 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

10153 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
10154 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
10155 ~~incurred in the performance of their official duties from the committee at the rates established~~
10156 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

10157 ~~[(ii) State government officer and employee members may decline to receive per diem~~
10158 ~~and expenses for their service.]~~

10159 (2) A member may not receive compensation or benefits for the member's service, but
10160 may receive per diem and travel expenses in accordance with:

10161 (a) Section 63A-3-106;

10162 (b) Section 63A-3-107; and

10163 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

10164 63A-3-107.

10165 (3) Reimbursement shall be made from fees collected by the committee for services

10166 rendered by it.

10167 (4) The Department of Transportation shall supply the committee with office
10168 accommodation, space, equipment, and secretarial assistance the executive director considers
10169 adequate for the committee.

10170 (5) In addition to the functions, powers, duties, rights, and responsibilities granted to it
10171 under this chapter, the committee shall assume and have all of the functions, powers, duties,
10172 rights, and responsibilities of the Board of Parks and Recreation created in Section 79-4-301 in
10173 relation to passenger ropeway systems pursuant to that chapter.

10174 Section 195. Section **73-10-2** is amended to read:

10175 **73-10-2. Board of Water Resources -- Members -- Appointment -- Terms --**
10176 **Vacancies.**

10177 (1) (a) The Board of Water Resources shall be comprised of eight members to be
10178 appointed by the governor with the consent of the Senate.

10179 (b) In addition to the requirements of Section 79-2-203, not more than four members
10180 shall be from the same political party.

10181 (2) One member of the board shall be appointed from each of the following districts:

10182 (a) Bear River District, comprising the counties of Box Elder, Cache, and Rich;

10183 (b) Weber District, comprising the counties of Weber, Davis, Morgan, and Summit;

10184 (c) Salt Lake District, comprising the counties of Salt Lake and Tooele;

10185 (d) Provo River District, comprising the counties of Juab, Utah, and Wasatch;

10186 (e) Sevier River District, comprising the counties of Millard, Sanpete, Sevier, Piute,
10187 and Wayne;

10188 (f) Green River District, comprising the counties of Daggett, Duchesne, and Uintah;

10189 (g) Upper Colorado River District, comprising the counties of Carbon, Emery, Grand,
10190 and San Juan; and

10191 (h) Lower Colorado River District, comprising the counties of Beaver, Garfield, Iron,
10192 Washington, and Kane.

10193 (3) (a) Except as required by Subsection (3)(b), all appointments shall be for terms of
10194 four years.

10195 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
10196 time of appointment or reappointment, adjust the length of terms to ensure that the terms of

board members are staggered so that approximately half of the board is appointed every two years.

(c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term with the consent of the Senate and shall be from the same district as such person.

~~[(4)(a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(b) Members may decline to receive per diem and expenses for their service.]~~

(4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 196. Section **73-10c-3** is amended to read:

73-10c-3. Water Development Coordinating Council created -- Purpose -- Members.

(1) (a) There is created within the Department of Natural Resources a Water Development Coordinating Council. The council comprises:

- (i) the director of the Division of Water Resources;
- (ii) the executive secretary of the Water Quality Board;
- (iii) the executive secretary of the Drinking Water Board;
- (iv) the executive director of the Department of Community and Culture or the executive director's designee; and
- (v) the state treasurer or the treasurer's designee.

(b) The council shall choose a chair and vice chair from among its own members.

~~[(c)(i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the council at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

(c) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(2) The purposes of the council are to:

(a) coordinate the use and application of the funds available to the state to give financial assistance to political subdivisions of this state so as to promote the conservation, development, treatment, restoration, and protection of the waters of this state;

(b) promote the coordination of the financial assistance programs administered by the state and the use of the financing alternative most economically advantageous to the state and its political subdivisions;

(c) promote the consideration by the Board of Water Resources, Drinking Water Board, and Water Quality Board of regional solutions to the water and wastewater needs of individual political subdivisions of this state; and

(d) assess the adequacy and needs of the state and its political subdivisions with respect to water-related infrastructures and advise the governor and the Legislature on those funding needs.

Section 197. Section **73-16-4** is amended to read:

73-16-4. Members of commission.

(1) There shall be three members of the Bear River Compact commission from the state of Utah.

(2) One member shall be the interstate stream commissioner of Utah and he shall be chairman of the Utah delegation. The other two commissioners from Utah shall be appointed by the state water and power board with the consent of the governor, and they shall hold office at the pleasure of the water and power board and until their successors shall have been appointed and qualified.

(3) Each member shall be a bona fide resident of the state of Utah and one shall be a

landowner and irrigator actually residing on and operating a farm within the lower division as defined by the compact and one shall be a landowner and irrigator actually residing on and operating a farm within the upper division as defined by the compact.

(4) The Utah water and power board may with the consent of the governor appoint two alternate members of the Bear River commission.

(a) One such alternate shall be a bona fide resident of the state of Utah and a landowner and irrigator actually residing on and operating a farm within the lower division as defined by the compact and he shall be entitled to act at all regular and special meetings of the Bear River commission whenever the regular member of the commission from this same area is unable to serve and act.

(b) One such alternate shall be a bona fide resident of the state of Utah and shall be a landowner and irrigator actually residing on and operating a farm within the upper division as defined by the compact and he shall be entitled to act at all regular and special meetings of the Bear River commission whenever the regular member of the commission from this same area is unable to serve and act. ~~[Each member of the commission from Utah shall receive a per diem plus necessary expenses, as provided by law.]~~

(5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 198. Section ~~77-27-2~~ is amended to read:

77-27-2. Board of Pardons and Parole -- Creation -- Compensation -- Functions.

(1) There is created the Board of Pardons and Parole. The board shall consist of five full-time members and five pro tempore members to be appointed by the governor with the consent of the Senate as provided in this section. The members of the board shall be resident citizens of the state. The governor shall establish salaries for the members of the board within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

(2) (a) (i) The full-time board members shall serve terms of five years. The terms of the full-time members shall be staggered so one board member is appointed for a term of five

10290 years on March 1 of each year.

10291 (ii) The pro tempore members shall serve terms of five years. The five pro tempore
10292 members added by Subsection (1) shall be appointed to terms that both commence on May 1,
10293 1996, and respectively end on February 28, 1999, and February 29, 2000. These terms are
10294 reduced by two and one years respectively so that the appointment of one pro tempore member
10295 expires every year beginning in 1996. Terms previously set to expire will now expire the last
10296 day of February of their respective years.

10297 (b) All vacancies occurring on the board for any cause shall be filled by the governor
10298 with the consent of the Senate pursuant to this section for the unexpired term of the vacating
10299 member.

10300 (c) The governor may at any time remove any member of the board for inefficiency,
10301 neglect of duty, malfeasance or malfeasance in office, or for cause upon a hearing.

10302 (d) A member of the board may not hold any other office in the government of the
10303 United States, this state or any other state, or of any county government or municipal
10304 corporation within a state. A member may not engage in any occupation or business
10305 inconsistent with his duties.

10306 (e) A majority of the board constitutes a quorum for the transaction of business,
10307 including the holding of hearings at any time or any place within or without the state, or for the
10308 purpose of exercising any duty or authority of the board. Action taken by a majority of the
10309 board regarding whether parole, pardon, commutation, termination of sentence, or remission of
10310 fines or forfeitures may be granted or restitution ordered in individual cases is deemed the
10311 action of the board. A majority vote of the five full-time members of the board is required for
10312 adoption of rules or policies of general applicability as provided by statute. However, a
10313 vacancy on the board does not impair the right of the remaining board members to exercise any
10314 duty or authority of the board as long as a majority of the board remains.

10315 (f) Any investigation, inquiry, or hearing that the board has authority to undertake or
10316 hold may be conducted by any board member or an examiner appointed by the board. When
10317 any of these actions are approved and confirmed by the board and filed in its office, they are
10318 considered to be the action of the board and have the same effect as if originally made by the
10319 board.

10320 (g) When a full-time board member is absent or in other extraordinary circumstances

the chair may, as dictated by public interest and efficient administration of the board, assign a pro tempore member to act in the place of a full-time member. ~~[Pro tempore members shall receive a per diem rate of compensation as established by the Division of Finance and all actual and necessary expenses incurred in attending to official business.]~~

(h) A pro tempore member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

~~[(h)]~~ (i) The chair may request staff and administrative support as necessary from the Department of Corrections.

(3) (a) Except as provided in Subsection (3)(c), the Commission on Criminal and Juvenile Justice shall:

(i) recommend five applicants to the governor for appointment to the Board of Pardons and Parole; and

(ii) consider applicants' knowledge of the criminal justice system, state and federal criminal law, judicial procedure, corrections policies and procedures, and behavioral sciences.

(b) The procedures and requirements of Subsection (3)(a) do not apply if the governor appoints a sitting board member to a new term of office.

(4) (a) The board shall appoint an individual to serve as its mental health adviser and may appoint other staff necessary to aid it in fulfilling its responsibilities under Title 77, Chapter 16a, Commitment and Treatment of Mentally Ill Persons. The adviser shall prepare reports and recommendations to the board on all persons adjudicated as guilty and mentally ill, in accordance with Title 77, Chapter 16a.

(b) The mental health adviser shall possess the qualifications necessary to carry out the duties imposed by the board and may not be employed by the Department of Corrections or the Utah State Hospital.

(i) The Board of Pardons and Parole may review outside employment by the mental health advisor.

(ii) The Board of Pardons and Parole shall develop rules governing employment with

10352 entities other than the board by the mental health advisor for the purpose of prohibiting a
10353 conflict of interest.

10354 (c) The mental health adviser shall:

10355 (i) act as liaison for the board with the Department of Human Services and local mental
10356 health authorities;

10357 (ii) educate the members of the board regarding the needs and special circumstances of
10358 mentally ill persons in the criminal justice system;

10359 (iii) in cooperation with the Department of Corrections, monitor the status of persons
10360 in the prison who have been found guilty and mentally ill;

10361 (iv) monitor the progress of other persons under the board's jurisdiction who are
10362 mentally ill;

10363 (v) conduct hearings as necessary in the preparation of reports and recommendations;

10364 and

10365 (vi) perform other duties as assigned by the board.

10366 Section 199. Section **77-32-401** is amended to read:

10367 **77-32-401. Indigent Defense Funds Board -- Members -- Administrative support.**

10368 (1) There is created within the Division of Finance the Indigent Defense Funds Board
10369 composed of the following nine members:

10370 (a) two members who are current commissioners or county executives of participating
10371 counties appointed by the board of directors of the Utah Association of Counties;

10372 (b) one member at large appointed by the board of directors of the Utah Association of
10373 Counties;

10374 (c) two members who are current county attorneys of participating counties appointed
10375 by the Utah Prosecution Council;

10376 (d) the director of the Division of Finance or his designee;

10377 (e) one member appointed by the Administrative Office of the Courts; and

10378 (f) two members who are private attorneys engaged in or familiar with the criminal
10379 defense practice appointed by the members of the board listed in Subsections (1)(a) through
10380 (e).

10381 (2) Members shall serve four-year terms; however, one of the county commissioners,
10382 and one of the county attorneys appointed to the initial board shall serve two-year terms and the

10383 remaining other members of the initial board shall be appointed for four-year terms.

10384 (3) A vacancy is created if a member appointed under:

10385 (a) Subsection (1)(a) no longer serves as a county commissioner or county executive;

10386 or

10387 (b) Subsection (1)(c) no longer serves as a county attorney.

10388 (4) When a vacancy occurs in the membership for any reason, a replacement shall be
10389 appointed for the remaining unexpired term in the same manner as the original appointment.

10390 (5) The board may contract for administrative support for up to \$15,000 annually to be
10391 paid proportionally from each fund.

10392 ~~[(6)(a)(i) Members who are not government employees shall receive no compensation~~
10393 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
10394 ~~performance of the member's official duties at the rates established by the Division of Finance~~
10395 ~~under Sections 63A-3-106 and 63A-3-107.]~~

10396 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

10397 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~
10398 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
10399 ~~incurred in the performance of their official duties from the board at the rates established by the~~
10400 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

10401 ~~[(ii) State government officer and employee members may decline to receive per diem~~
10402 ~~and expenses for their service.]~~

10403 ~~[(c)(i) Local government members who do not receive salary, per diem, or expenses~~
10404 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
10405 ~~in the performance of their official duties at the rates established by the Division of Finance~~
10406 ~~under Sections 63A-3-106 and 63A-3-107.]~~

10407 ~~[(ii) Local government members may decline to receive per diem and expenses for~~
10408 ~~their service.]~~

10409 (6) A member may not receive compensation or benefits for the member's service, but
10410 may receive per diem and travel expenses in accordance with:

10411 (a) Section 63A-3-106;

10412 (b) Section 63A-3-107; and

10413 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

10414 63A-3-107.

10415 (7) Per diem and expenses for board members shall be paid proportionally from each
10416 fund.

10417 (8) Five members shall constitute a quorum and, if a quorum is present, the action of a
10418 majority of the members present shall constitute the action of the board.

10419 Section 200. Section **77-32-401.5** is amended to read:

10420 **77-32-401.5. Interim board -- Members -- Administrative support -- Duties.**

10421 (1) Until the Indigent Defense Funds Board authorized by Section 77-32-401 is
10422 constituted after achieving the number of participating counties required by Sections 77-32-604
10423 and 77-32-704, an interim board may be created within the Division of Finance composed of
10424 the following three members:

10425 (a) a county commissioner from a county participating in the Indigent Inmate Trust
10426 Fund pursuant to Section 77-32-502 appointed by the Utah Association of Counties;

10427 (b) a county attorney from a county participating in the Indigent Inmate Trust Fund
10428 pursuant to Section 77-32-502 appointed by the Utah Association of Counties; and

10429 (c) a representative appointed by the Administrative Office of the Courts.

10430 (2) The Division of Finance shall provide administrative support to the interim board.

10431 (3) (a) Members shall serve until the Indigent Defense Funds Board is constituted.

10432 (b) When a vacancy occurs in the membership for any reason, a replacement shall be
10433 appointed for the remaining unexpired term in the same manner as the original appointment.

10434 ~~[(4) (a) Compensation for members shall be the same as provided in Subsection~~
10435 ~~77-32-401(6).]~~

10436 (4) A member may not receive compensation or benefits for the member's service, but
10437 may receive per diem and travel expenses in accordance with:

10438 (a) Section 63A-3-106;

10439 (b) Section 63A-3-107; and

10440 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10441 63A-3-107.

10442 ~~[(b) Per diem and]~~ (5) The per diem and travel expenses for board members under
10443 Subsection (4) shall be paid from the Indigent Inmate Trust Fund in Section 77-32-502.

10444 ~~[(5)]~~ (6) Until the Indigent Defense Funds Board is constituted, the interim board shall

10445 be authorized to carry out any responsibility provided to the Indigent Defense Funds Board in
10446 statute as it relates to Chapter 32, Part 5, Indigent Inmates.

10447 ~~[(6)]~~ (7) The action by two members present shall constitute the action of the board.

10448 Section 201. Section **78A-2-502** is amended to read:

10449 **78A-2-502. Creation of policy board -- Membership -- Terms -- Chair -- Quorum**
10450 **-- Expenses.**

10451 (1) There is created a 13 member policy board to be known as the "Online Court
10452 Assistance Program Policy Board" which shall:

10453 (a) identify the subject matter included in the Online Court Assistance Program;

10454 (b) develop information and forms in conformity with the rules of procedure and
10455 evidence; and

10456 (c) advise the Administrative Office of the Courts regarding the administration of the
10457 program.

10458 (2) The voting membership shall consist of:

10459 (a) two members of the House of Representatives designated by the speaker, with one
10460 member from each party;

10461 (b) two members of the Senate designated by the president, with one member from
10462 each party;

10463 (c) two attorneys actively practicing in domestic relations designated by the Family
10464 Law Section of the Utah State Bar;

10465 (d) one attorney actively practicing in civil litigation designated by the Civil Litigation
10466 Section of the Utah State Bar;

10467 (e) one court commissioner designated by the chief justice of the Utah Supreme Court;

10468 (f) one district court judge designated by the chief justice of the Utah Supreme Court;

10469 (g) one attorney from Utah Legal Services designated by its director;

10470 (h) one attorney from Legal Aid designated by its director; and

10471 (i) two persons from the Administrative Office of the Courts designated by the state
10472 court administrator.

10473 (3) (a) The terms of the members shall be four years and staggered so that
10474 approximately half of the board expires every two years.

10475 (b) The board shall meet as needed.

(4) The board shall select one of its members to serve as chair.

(5) A majority of the members of the board constitutes a quorum.

~~[(6) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

~~[(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) State government officer and employee members may decline to receive per diem and expenses for their service.]~~

~~[(c) Legislators on the committee shall receive compensation and expenses as provided by law and legislative rule.]~~

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 202. Section **78A-6-1208** is amended to read:

78A-6-1208. Youth Court Board -- Membership -- Responsibilities.

(1) The Utah attorney general's office shall provide staff support and assistance to a Youth Court Board comprised of the following:

(a) the Utah attorney general or his designee;

(b) one member of the Utah Prosecution Council;

(c) one member from the Board of Juvenile Court Judges;

(d) the juvenile court administrator or his designee;

(e) one person from the Office of Juvenile Justice and Delinquency Prevention;

(f) the state superintendent of education or his designee;

- 10507 (g) two representatives from Youth Courts based primarily in schools;
10508 (h) two representatives from Youth Courts based primarily in communities;
10509 (i) one member from the law enforcement community; and
10510 (j) one member from the community at large.
- 10511 (2) The members selected to fill the positions in Subsections (1)(a) through (f) shall
10512 jointly select the members to fill the positions in Subsections (1)(g) through (j).
- 10513 (3) Members shall serve two-year staggered terms beginning July 1, 1999, except the
10514 initial terms of the members designated by Subsections (1)(a), (c), (e), and (i), and one of the
10515 members from Subsections (1)(g) and (h) shall serve one-year terms, but may be reappointed
10516 for a full two-year term upon the expiration of their initial term.
- 10517 (4) The Youth Court Board shall meet at least quarterly to:
- 10518 (a) set minimum standards for the establishment of Youth Courts, including an
10519 application process, membership and training requirements, and the qualifications for the adult
10520 coordinator;
- 10521 (b) review certification applications; and
10522 (c) provide for a process to recertify each Youth Court every three years.
- 10523 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
10524 Youth Court Board shall make rules to accomplish the requirements of Subsection (3).
- 10525 (6) The Youth Court Board may deny certification or recertification, or withdraw the
10526 certification of any Youth Court for failure to comply with program requirements.
- 10527 ~~[(7)(a) Members shall receive no compensation or benefits for their services, but may~~
10528 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
10529 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~
- 10530 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~
- 10531 (7) A member may not receive compensation or benefits for the member's service, but
10532 may receive per diem and travel expenses in accordance with:
- 10533 (a) Section 63A-3-106;
10534 (b) Section 63A-3-107; and
10535 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10536 63A-3-107.
- 10537 (8) The Youth Court Board shall provide a list of certified Youth Courts to the Board

10538 of Juvenile Court Judges, all law enforcement agencies in the state, all school districts, and the
10539 Utah Prosecution Council by December 31 of each year.

10540 Section 203. Section **78A-10-205** is repealed and reenacted to read:

10541 **78A-10-205. Expenses -- Per diem.**

10542 A member may not receive compensation or benefits for the member's service, but may
10543 receive per diem and travel expenses in accordance with:

10544 (1) Section 63A-3-106;

10545 (2) Section 63A-3-107; and

10546 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10547 63A-3-107.

10548 Section 204. Section **78A-10-305** is repealed and reenacted to read:

10549 **78A-10-305. Expenses -- Per diem.**

10550 A member may not receive compensation or benefits for the member's service, but may
10551 receive per diem and travel expenses in accordance with:

10552 (1) Section 63A-3-106;

10553 (2) Section 63A-3-107; and

10554 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10555 63A-3-107.

10556 Section 205. Section **78A-11-104** is repealed and reenacted to read:

10557 **78A-11-104. Expenses -- Per diem.**

10558 A member may not receive compensation or benefits for the member's service, but may
10559 receive per diem and travel expenses in accordance with:

10560 (a) Section 63A-3-106;

10561 (b) Section 63A-3-107; and

10562 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10563 63A-3-107.

10564 Section 206. Section **78A-12-202** is amended to read:

10565 **78A-12-202. Salary and expenses -- Staff.**

10566 ~~[(1)(a)(i) A member who is not a government employee receives no compensation or~~
10567 ~~benefits for the member's service, but may receive per diem and expenses incurred in the~~

10568 ~~performance of the member's official duties at the rates established by the Division of Finance~~
10569 ~~under Sections 63A-3-106 and 63A-3-107.]~~

10570 ~~[(ii) A member may decline to receive per diem and expenses for the member's~~
10571 ~~service.]~~

10572 ~~[(b) (i) A state government officer or employee member who does not receive salary,~~
10573 ~~per diem, or expenses from the member's agency for the member's service may receive per~~
10574 ~~diem and expenses incurred in the performance of their official duties from the commission at~~
10575 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

10576 ~~[(ii) A state government officer or employee member may decline to receive per diem~~
10577 ~~and expenses for the member's service.]~~

10578 (1) A member may not receive compensation or benefits for the member's service, but
10579 may receive per diem and travel expenses in accordance with:

10580 (a) Section 63A-3-106;

10581 (b) Section 63A-3-107; and

10582 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10583 63A-3-107.

10584 (2) The commission shall elect a chair from among its members.

10585 (3) The commission shall employ an executive director and may employ additional
10586 staff as necessary within budgetary constraints.

10587 (4) The commission shall be located in the Commission on Criminal and Juvenile
10588 Justice.

10589 Section 207. Section **78B-3-416** is amended to read:

10590 **78B-3-416. Division to provide panel -- Exemption -- Procedures -- Statute of**
10591 **limitations tolled -- Composition of panel -- Expenses -- Division authorized to set license**
10592 **fees.**

10593 (1) (a) The division shall provide a hearing panel in alleged medical liability cases
10594 against health care providers as defined in Section 78B-3-403, except dentists.

10595 (b) (i) The division shall establish procedures for prelitigation consideration of medical
10596 liability claims for damages arising out of the provision of or alleged failure to provide health
10597 care.

10598 (ii) The division may establish rules necessary to administer the process and

procedures related to prelitigation hearings and the conduct of prelitigation hearings in accordance with Sections 78B-3-416 through 78B-3-420.

(c) The proceedings are informal, nonbinding, and are not subject to Title 63G, Chapter 4, Administrative Procedures Act, but are compulsory as a condition precedent to commencing litigation.

(d) Proceedings conducted under authority of this section are confidential, privileged, and immune from civil process.

(2) (a) The party initiating a medical liability action shall file a request for prelitigation panel review with the division within 60 days after the service of a statutory notice of intent to commence action under Section 78B-3-412.

(b) The request shall include a copy of the notice of intent to commence action. The request shall be mailed to all health care providers named in the notice and request.

(3) (a) The filing of a request for prelitigation panel review under this section tolls the applicable statute of limitations until the earlier of 60 days following the division's issuance of an opinion by the prelitigation panel, or 60 days following the termination of jurisdiction by the division as provided in this subsection. The division shall send any opinion issued by the panel to all parties by regular mail.

(b) (i) The division shall complete a prelitigation hearing under this section within 180 days after the filing of the request for prelitigation panel review, or within any longer period as agreed upon in writing by all parties to the review.

(ii) If the prelitigation hearing has not been completed within the time limits established in Subsection (3)(b)(i), the division has no further jurisdiction over the matter subject to review and the claimant is considered to have complied with all conditions precedent required under this section prior to the commencement of litigation.

(c) (i) The claimant and any respondent may agree by written stipulation that no useful purpose would be served by convening a prelitigation panel under this section.

(ii) When the stipulation is filed with the division, the division shall within ten days after receipt enter an order divesting itself of jurisdiction over the claim, as it concerns the stipulating respondent, and stating that the claimant has complied with all conditions precedent to the commencement of litigation regarding the claim.

(4) The division shall provide for and appoint an appropriate panel or panels to hear

complaints of medical liability and damages, made by or on behalf of any patient who is an alleged victim of medical liability. The panels are composed of:

(a) one member who is a resident lawyer currently licensed and in good standing to practice law in this state and who shall serve as chairman of the panel, who is appointed by the division from among qualified individuals who have registered with the division indicating a willingness to serve as panel members, and a willingness to comply with the rules of professional conduct governing lawyers in the state of Utah, and who has completed division training regarding conduct of panel hearings;

(b) (i) one member who is a licensed health care provider listed under Section 78B-3-403, who is practicing and knowledgeable in the same specialty as the proposed defendant, and who is appointed by the division in accordance with Subsection (5); or

(ii) in claims against only hospitals or their employees, one member who is an individual currently serving in a hospital administration position directly related to hospital operations or conduct that includes responsibility for the area of practice that is the subject of the liability claim, and who is appointed by the division; and

(c) a lay panelist who is not a lawyer, doctor, hospital employee, or other health care provider, and who is a responsible citizen of the state, selected and appointed by the division from among individuals who have completed division training with respect to panel hearings.

(5) (a) Each person listed as a health care provider in Section 78B-3-403 and practicing under a license issued by the state, is obligated as a condition of holding that license to participate as a member of a medical liability prelitigation panel at reasonable times, places, and intervals, upon issuance, with advance notice given in a reasonable time frame, by the division of an Order to Participate as a Medical Liability Prelitigation Panel Member.

(b) A licensee may be excused from appearance and participation as a panel member upon the division finding participation by the licensee will create an unreasonable burden or hardship upon the licensee.

(c) A licensee whom the division finds failed to appear and participate as a panel member when so ordered, without adequate explanation or justification and without being excused for cause by the division, may be assessed an administrative fine not to exceed \$5,000.

(d) A licensee whom the division finds intentionally or repeatedly failed to appear and participate as a panel member when so ordered, without adequate explanation or justification

and without being excused for cause by the division, may be assessed an administrative fine not to exceed \$5,000, and is guilty of unprofessional conduct.

(e) All fines collected under Subsections (5)(c) and (d) shall be deposited in the Physicians Education Fund created in Section 58-67a-1.

(6) Each person selected as a panel member shall certify, under oath, that he has no bias or conflict of interest with respect to any matter under consideration.

~~[(7) Members of the prelitigation hearing panels shall receive per diem compensation and travel expenses for attending panel hearings as established by rules of the division.]~~

(7) A member of the prelitigation hearing panel may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(8) (a) In addition to the actual cost of administering the licensure of health care providers, the division may set license fees of health care providers within the limits established by law equal to their proportionate costs of administering prelitigation panels.

(b) The claimant bears none of the costs of administering the prelitigation panel except under Section 78B-3-420.

Section 208. Section **78B-12-403** is repealed and reenacted to read:

78B-12-403. Compensation -- Expenses -- Per diem.

A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(1) Section 63A-3-106;

(2) Section 63A-3-107; and

(3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 209. Section **79-3-302** is amended to read:

79-3-302. Members of board -- Qualifications and appointment -- Vacancies -- Organization -- Meetings -- Financial gain prohibited -- Expenses.

10692 (1) The board consists of seven members appointed by the governor, with the consent
10693 of the Senate.

10694 (2) In addition to the requirements of Section 79-2-203, the members shall have the
10695 following qualifications:

10696 (a) one member knowledgeable in the field of geology as applied to the practice of civil
10697 engineering;

10698 (b) four members knowledgeable and representative of various segments of the mineral
10699 industry throughout the state, such as hydrocarbons, solid fuels, metals, and industrial minerals;

10700 (c) one member knowledgeable of the economic or scientific interests of the mineral
10701 industry in the state; and

10702 (d) one member who is interested in the goals of the survey and from the public at
10703 large.

10704 (3) The director of the School and Institutional Trust Lands Administration is an ex
10705 officio member of the board but without any voting privileges.

10706 (4) (a) Except as required by Subsection (4)(b), members are appointed for terms of
10707 four years.

10708 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
10709 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
10710 board members are staggered so that approximately half of the board is appointed every two
10711 years.

10712 (c) No more than four members may be of the same political party.

10713 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
10714 appointed for the unexpired term by the governor with the consent of the Senate.

10715 (5) The board shall select from its members a chair and such officers and committees
10716 as it considers necessary.

10717 (6) (a) The board shall hold meetings at least quarterly on such dates as may be set by
10718 its chair.

10719 (b) Special meetings may be held upon notice of the chair or by a majority of its
10720 members.

10721 (c) A majority of the members of the board present at a meeting constitutes a quorum
10722 for the transaction of business.

(7) Members of the board may not obtain financial gain by reason of information obtained during the course of their official duties.

~~[(8) (a) (i) A member who is not a government employee may not receive compensation or benefits for the member's service, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) A member may decline to receive per diem and expenses for the member's service.]~~

~~[(b) (i) A state government officer and employee member who does not receive salary, per diem, or expenses from the agency the member represents for the member's service may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) A state government officer and employee member may decline to receive per diem and expenses for the member's service.]~~

(8) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 210. Section **79-4-302** is amended to read:

79-4-302. Board appointment and terms of members -- Expenses.

(1) (a) The board is composed of nine members appointed by the governor, with the consent of the Senate, to four-year terms.

(b) In addition to the requirements of Section 79-2-203, the governor shall:

(i) appoint one member from each judicial district and one member from the public at large;

(ii) ensure that not more than five members are from the same political party; and

(iii) appoint persons who have an understanding of and demonstrated interest in parks and recreation.

(c) Notwithstanding the term requirements of Subsection (1)(a), the governor may

10754 adjust the length of terms to ensure that the terms of board members are staggered so that
10755 approximately half of the board is appointed every two years.

10756 (2) When vacancies occur because of death, resignation, or other cause, the governor,
10757 with the consent of the Senate, shall:

10758 (a) appoint a person to complete the unexpired term of the person whose office was
10759 vacated; and

10760 (b) if the person was appointed from a judicial district, appoint the replacement from
10761 the judicial district from which the person whose office has become vacant was appointed.

10762 (3) The board shall appoint its chair from its membership.

10763 ~~[(4)(a) A member may not receive compensation or benefits for the member's service,~~
10764 ~~but may receive per diem and expenses incurred in the performance of the member's official~~
10765 ~~duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~
10766 ~~63A-3-107.]~~

10767 ~~[(b) A member may decline to receive per diem and expenses for the member's~~
10768 ~~service.]~~

10769 (4) A member may not receive compensation or benefits for the member's service, but
10770 may receive per diem and travel expenses in accordance with:

10771 (a) Section 63A-3-106;

10772 (b) Section 63A-3-107; and

10773 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10774 63A-3-107.

10775 Section 211. Section **79-5-202** is amended to read:

10776 **79-5-202. Council membership -- Expenses.**

10777 (1) The council shall consist of nine members knowledgeable about muscle-powered
10778 recreational activities as follows:

10779 (a) five members shall represent the public at large;

10780 (b) one member, nominated by the Utah League of Cities and Towns, shall represent
10781 city government;

10782 (c) one member, nominated by the Utah Association of Counties, shall represent
10783 county government;

10784 (d) one member shall represent the United States Forest Service; and

(e) one member shall represent the Bureau of Land Management.

(2) (a) Except as required by Subsection (2)(b), as terms of current council members expire, the division shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (2)(a), the division shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.

(3) The council shall elect annually a chair and a vice chair from its members.

(4) When a vacancy occurs in the membership for any reason, the division shall appoint the replacement for the unexpired term.

~~[(5)(a)(i) A member who is not a government employee may not receive compensation or benefits for the member's service, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) A member may decline to receive per diem and expenses for the member's service.]~~

~~[(b)(i) A state government officer and employee member who does not receive salary, per diem, or expenses from the agency the member represents for the member's service may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) A state government officer and employee member may decline to receive per diem and expenses for the member's service.]~~

~~[(c)(i) A local government member who does not receive salary, per diem, or expenses from the entity that the member represents for the member's service may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

~~[(ii) A local government member may decline to receive per diem and expenses for the member's service.]~~

(5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

10816 (b) Section 63A-3-107; and
10817 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10818 63A-3-107.

Legislative Review Note
as of 11-18-09 12:10 PM

Office of Legislative Research and General Counsel